

THE  
**NEWGATE CALENDAR**

IMPROVED;

BEING

INTERESTING MEMOIRS

OF

**NOTORIOUS CHARACTERS,**

Who have been convicted of Offences

*AGAINST THE LAWS OF ENGLAND,*

DURING THE SEVENTEENTH CENTURY; AND CONTINUED TO THE  
PRESENT TIME, CHRONOLOGICALLY ARRANGED;

COMPRISING

Traitors.	Highwaymen,	Pickpockets,
Murderers,	Footpads.	Fraudulent Bankrupts,
Incendiaries.	Housebreakers.	Money Droppers,
Ravishers,	Rioters.	Impostors,
Pirates,	Extortioners.	And Thieves of every
Mutineers,	Sharpers.	Description.
Coiners,	Forgerers.	

AND

*Containing a number of interesting Cases never before published:*

WITH

Occasional Remarks on Crimes and Punishments, Original Anecdotes,  
Moral Reflections and Observations on particular Cases;  
Explanations of the Criminal Laws, the  
Speeches, Confessions, and

LAST EXCLAMATIONS OF SUFFERERS.

*To which is added*

A CORRECT ACCOUNT OF THE VARIOUS MODES OF PUNISHMENT  
OF CRIMINALS IN DIFFERENT PARTS OF THE WORLD.

**BY GEORGE THEODORE WILKINSON, ESQ.**

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THE  
NEWGATE CALENDAR  
IMPROVED.

JOSEPH WALL, ESQ.

(FORMERLY GOVERNOR OF GOREE.)

*Executed January 28, 1802, near twenty years after committing the Crime, for ordering a Soldier to be so unmercifully Flogged, as to occasion his Death.*

MR. WALL was descended from a good family in Ireland, and entered into the army at an early age. He was of a severe and rather unaccommodating temper, and was not much liked among the officers.

When lieutenant-governor of Sene-Gambia he acted as chief, the first appointment being vacant: he held the office but a short time, not more than two years; and, during that time, he was accused of the wilful murder of Benjamin Armstrong, by ordering him to receive eight hundred lashes, on the 10th of July, 1782, of which he died in five days afterwards. His emoluments were very considerable, as besides his military appointments, he was superintendant of trade to the colony.

His family were originally Roman catholics, but of course he conformed to the protestant church, or he could not have held his commission.

As soon as the account of the murder reached the board of admiralty, a reward was offered for his apprehension; but having evaded justice in 1784, he lived on

the continent, sometimes in France, and sometimes in Italy, but mostly in France, under an assumed name, where he lived respectably, and was admitted into good company.

He particularly kept company with the officers of his own country, who served in the French army, and was well known at the Scotch and Irish colleges in Paris.

In 1797 he returned to England. He was frequently advised by the friend who procured him the lodging, to leave the country again, and questioned as to his motive for remaining; he never gave any satisfactory answer to any; but appeared even at the time when he was so studiously concealing himself, to have a distant intention of making a surrender, in order to take his trial. It is very evident his mind was not at ease, and that he was incapable of taking any firm resolution either one way or another. Even the manner in which he did at last surrender himself, shewed a singular want of determination, as he left it to chance whether the minister should send for him or not; for rather than go to deliver himself up, he wrote to say, "he was ready to do so"—a less becoming, but not a less dangerous mode of encountering danger. He was allied, by marriage, to a noble family; and his wife visited him frequently when in his concealment at Lambeth; and since that time he lived in Upper Thornhaugh-street, Bedford-square, where he was apprehended. It is most probable, that had he not written to the Secretary of State, the matter had been so long forgotten, that he would never have been molested.

At the commencement of the trial, the prisoner said, he was very hard of hearing, and therefore requested that he might be allowed to sit by his counsel. The chief baron of the exchequer, chief justice in the commission, with whom appeared Mr. justice Rooke, and Mr. justice Lawrence, said to the prisoner, "That is perfectly impossible; there is a regular place appointed by the law for persons in your situation; we can make no distinction of the sort you desire; that would be invidious." It was proved by the witnesses that Armstrong was far from being undutiful in his behaviour; he was,

however, tied to the gun-carriage; black men, brought there for the purpose, not the drummers, who in the ordinary course of things would have had to flog this man, supposing him to have deserved flogging; but black men were ordered to inflict on Armstrong the punishment ordered. Each took his turn, and gave this unhappy sufferer twenty-five lashes, until he had received the number of eight hundred; and the instrument with which the punishment was inflicted, was not a cat-o'-nine tails, which is the usual instrument, but a piece of rope, of greater thickness, and which was much more severe than the cat-o'-nine tails. The rope was exhibited in evidence. While this punishment was inflicting, the prisoner urged the black men to be severe; he said, among other things, "Cut him to the heart and to the liver." Armstrong, the subject of this punishment, applied to him for mercy, but the observation of the defendant on this occasion, was, "that the sick season was coming on, which, together with the punishment, would do for him." After receiving eight hundred lashes, this poor creature was conducted to the hospital. He was in a situation in which it was probable his death might be the consequence; he declared, in his dying moments, he was punished without any trial, and without ever being so much as asked, whether he had any thing to say in his defence.

The prisoner in his defence urged, that the deceased was guilty of mutiny—that the punishment was not so severe as reported, but that the deceased was suffered to drink strong spirits when in the hospital.

Several witnesses were called on the part of the prisoner, particularly Mrs. Lacy, widow of the captain who succeeded Mr. Wall, and Mary Falkner, who not only agreed with him in the outrageous conduct of the men, and the violent language they used, but both positively swore, that Lewis, the first witness against the prisoner, was not the orderly serjeant on that day. John Falkner, Peter Williams, and some others who were present, were examined, and whose testimonies went in full corroboration of the account given by the prisoner, and so far

went to his justification; but which, in most material points, was in direct contradiction to the evidence which had been given by the witness for the crown.

The jury, after being out of court some time, pronounced a verdict of "guilty."

The recorder then proceeded to pass sentence of death upon him: that he should be executed the following morning, and that his body should be afterwards delivered to be anatomized according to the statute.

Mr. Wall seemed sensibly affected by the sentence, but said nothing more than requesting the court would allow him a little time to prepare himself for death.

On the 21st of January, a respite was sent from Lord Pelham's office, deferring his execution until the 25th.

On the 24th, he was further respited till the 28th. During the time of his confinement, previous to trial, he occupied the apartment which was formerly the residence of Mr. Ridgway, the bookseller. His wife lived with him for the last fortnight: although he was allowed two hours a day, from twelve till two, to walk in the yard, he did not once embrace this indulgence; and, during his whole confinement, never went out of his room, except into the lobby to consult his counsel.

He lived well, and was at times very facetious, easy in his manners, and pleasant in conversation; but during the night he frequently sat up in his bed and sung psalms, overheard by his fellow-prisoners. He had not many visitors; his only attendant was a prisoner, who was appointed for that purpose by the turnkey.

After trial he did not return to his old apartment, but was conducted to a cell; he was so far favoured as not to have irons put on, but a person was employed as a guard to watch him during the night to prevent him doing violence to himself. His bed was brought to him in the cell, on which he threw himself in an agony of mind, saying, it was his intention not to rise until they called him on the fatal morning.

The sheriffs were particularly pointed and precise in their orders, with respect to confining him to the usual

diet of bread and water preparatory to the awful event. This order was scrupulously fulfilled. The prisoner, during a part of the night slept, owing to fatigue and perturbation of mind. The next morning his wife applied, but was refused admittance without an order from one of the sheriffs. She applied to Mr. Sheriff Cox, who attended her to the prison.

From the time of the first respite until twelve o'clock on Wednesday night, he did not cease to entertain hopes of his safety. The interest made to save him was very great. The whole of Wednesday occupied the great law officers; the judges met at the chancellor's in the afternoon. The conference lasted upwards of three hours.

About a little after four o'clock, Thursday the 28th, the scaffold began to be erected by torch-light, and was completed soon after seven, except the black hanging which is not permitted to be displayed, nor the prison bell to toll, for the departure of any one convicted of murder.

The prisoner had an affecting interview with his wife the Hon. Mrs. Wall, the night before, from whom he was painfully separated about eleven o'clock. This disconsolate and affectionate lady, unremitting in her solicitude caused the colonel to write a note to Mr. Kirby, the gaoler, about nine o'clock, requesting that she might be permitted to remain in the cell until eleven; thus cordially manifesting her fond but delusive hopes to the very latest moment.

Mr. Kirby, with a feeling of humanity highly creditable to his character, readily complied with this request. But no tidings of mercy arrived, and at eleven o'clock she saw the end of all her earthly joys! Numberless tender embraces now took place: the affectionate wife reluctantly departed, overwhelmed with grief, and bathed with tears, while the unfortunate husband declared that he could now, with Christian fortitude, submit to his unhappy fate.—During the greater part of the night he slept but little.



About four o'clock in the morning, his sleep was however observed to become sound, and according to the best recollection of his attendant, he continued in this sleep rather more than an hour; so that he could not have heard the fatal machine in its passage to the debtors' door. His voice preserved its usual strength and tone to the end; and though very particular in his questions respecting the machinery in every part, yet he spoke of his approaching execution and death with perfect calmness. At half after six in the morning, his prison attendant going to his cell, was asked by him, "whether the noise he heard was not that of erecting his scaffold?" He was humanely replied to in the negative.

The ordinary, Dr. Ford, soon after entered, when the prisoner devoutly joined him for some time in prayer. They then passed on to an anti-room, when the governor asked, "whether it was a fine morning?" On being answered in the affirmative, he said, "The time hangs heavily: I am anxious for the close of this scene." One of the officers then proceeded to bind his arms with a cord, for which he extended them out firmly; but recollecting himself, he said, "I beg your pardon a moment;" and putting his hand in his pocket, he drew out two white handkerchiefs, one of which he bound over his temples, so as nearly to conceal his eyes, over which he placed a white cap, and then put on a round hat; the other handkerchief he kept between his hands. He then observed, "the cord cuts me; but it's no matter." On which Dr. Ford desired it to be loosened, for which the prisoner bowed, and thanked him.

As the clock struck eight, the door was thrown open, at which Sheriff Cox and his officers appeared. The governor approaching him said, "I attend you, sir;" and they immediately proceeded to the scaffold, which was erected over the debtors' door. He had no sooner ascended it, accompanied by the ordinary, than three successive shouts from an innumerable populace, the brutal effusion of one common sentiment, for the public

indignation had never been so high since the death of Mrs Brownrigg, deprived him of the small portion of fortitude which he had summoned up.

He bowed his head under the extreme pressure of ignominy, when the hangman put the halter over it, but took it off again to replace it; this done, the governor stooped forward, and spoke to the ordinary, who, no doubt at his request, pulled the cap over the lower part of the face, when in an instant, without waiting for any signal, the platform dropped, and he was launched into eternity!—From the knot of the rope turning round to the back of the neck, and his legs not being pulled, as at his particular request, he was suspended in convulsive agony for more than a quarter of an hour.

After hanging a full hour, his body was cut down, put into a cart, and immediately conveyed to a building in Cow-cross-street, to be dissected.

He was dressed in a mixed coloured loose coat, with a black collar, swan-down waistcoat, blue pantaloons, and white silk stockings.

He appeared a miserable and emaciated object, never having quitted the bed of his cell from the day of condemnation till the morning of his execution.

The body of the unfortunate governor was not exposed to public view, as usual in such cases.

Mr. Belfour, secretary to the surgeons' company, applied to Lord Kenyon, to know whether such exposure was necessary: and, finding that the forms of dissection only were required, the body, after those forms had passed, was consigned to the relations of the unhappy man, upon their paying fifty guineas to the philanthropic society.

His remains were interred in the church-yard of St. Pancras.



The two following cases came under our notice too late to be inserted in chronological order, but are too interesting to be omitted.

## DANIEL AND ROBERT PÉRREAU,

(THE UNFORTUNATE TWIN BROTHERS,)

*Executed at Tyburn, much lamented, January 17, 1776,  
for Forgery.*

NEVER had the public mind, since the date of our Chronology, been more interested in the case of individuals, convicted of a crime short of treason, than that of the Perreaus; and never had such efforts been made, in similar cases, for pardon.

Though their offence was forgery, striking at the very root of trade, yet such was the mercantile opinion on the peculiar hardship of the fate of Robert, that seventy-eight of the most capital bankers and merchants in London signed a petition for mercy, and presented it to the King, only two days previous to his execution.

His miserable wife, accompanied by her three children, dressed in deep mourning, on their knees, presented a petition to the Queen, imploring her to save the husband and the father.

Such a picture of distress was seldom seen. The Queen was greatly affected, and her interest would have succeeded in a case less heinous in the eyes of the law; perhaps, indeed, in any, save forgery.

To follow the reporter in the particulars of the trial would occupy several numbers of our work; and as the transaction is within the memory of many of our readers, we shall confine ourselves to the outlines.

They appear to have been the dupes of an artful woman, Margaret Catherine Rudd, who cohabited with Daniel. Robert Perreau, at any rate, was thought to have been, by her art, implicated in the crime for which they both suffered, while she escaped justice, for want of sufficient evidence.

When apprehended, Daniel kept an elegant house in Harley-street, Cavendish-square, London, wherein Mrs.



ROBERT PERREAU



Rudd passed as his wife; and Robert was a surgeon of eminence in Golden-square.

From the evidence given on their trial, there is every reason to believe, that Mrs. Rudd forged a bond for 7,500*l.* in the name of William Adair, Esq. then a well-known agent, which was given by Daniel to Robert, in order to raise money upon.

This fatal instrument, the latter presented, for that purpose, to Messrs. Drummonds, the bankers, who suspecting its validity, the brothers, and Mrs. Rudd, were apprehended for forgery.

Robert made a long and ingenious defence; and though many were of opinion that he was ignorant of the instrument being a forgery, yet the jury convicted him of uttering it, knowing it to be such.

Daniel solemnly declared that he received the bond from Mrs. Rudd, as a true bond, and both urged the truth of their assertions, from the proof that she had pretended some acquaintance with Mr. Adair. They called many witnesses of the first respectability, who testified to their unblemished character; among whom was Lady Lyttleton, who being asked if she believed that Robert, on whose behalf she appeared, could be capable of such a crime? She answered that "She supposed she could have done it herself as soon."

The unhappy brothers lay in prison, after conviction, seven months before the warrant was signed for their execution. This delay of executing the sentence of the law arose from giving time for the trial of Mrs. Rudd, in order thereby to ascertain whether any thing material to the case of the Perreaus might be brought to light; but, as we have already observed, no evidence could reach the part she took in the transaction, she was accordingly acquitted.

The day fixed for their execution was Wednesday, the 17th of January, 1776, at which the multitude of spectators out-numbered any within the memory of man, on such an occasion; being computed at 30,000, a much greater number than witnessed that of Lord Ferrers.

They went to Tyburn in a mourning coach; and at the same time five others were carried, in carts, to the same fatal tree, and also executed.

George Lee, for a highway robbery.

Saunders Alexander and Lyon Abrahams, for house-breaking.

Richard Baker and John Ratcliffe, for coining.

When the Perreaus quitted the coach, they ascended the cart from which they were to be launched into eternity with manly fortitude, and bowed respectfully to the sheriffs, who, in return, waved their heads, as a final adieu! They were dressed exactly alike, in deep mourning.

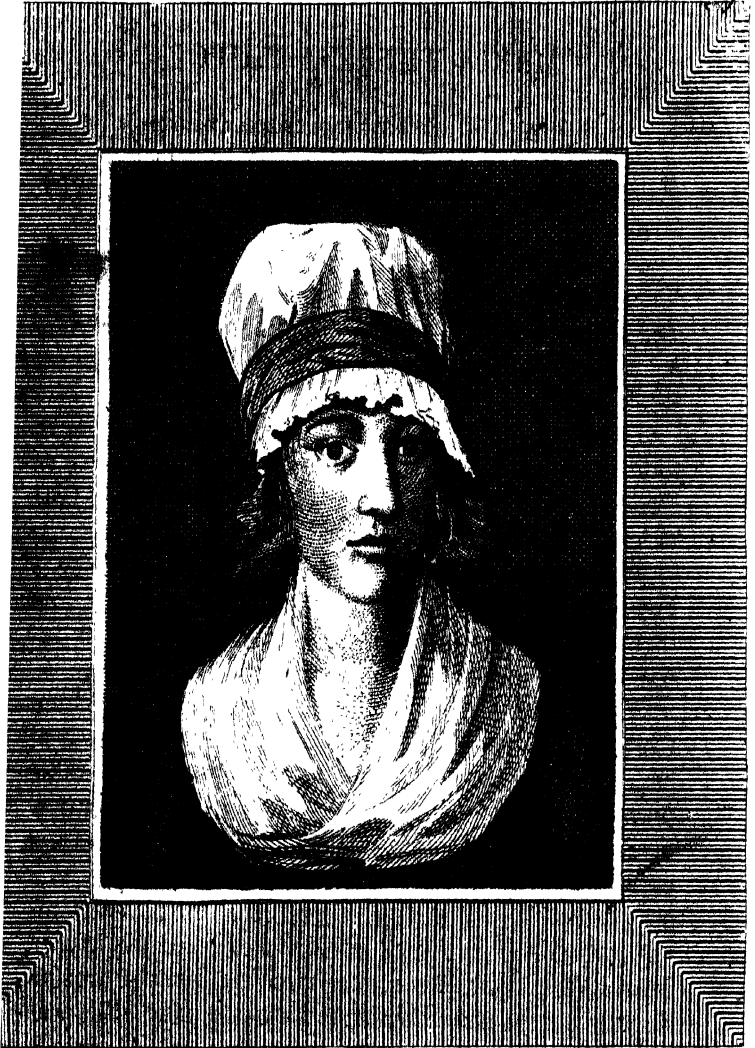
After the customary devotions, they crossed their hands, joining the four together, and in this manner were launched into eternity. They had not hung more than half a minute when their hands dropped asunder, and they appeared to die without pain.

Each of them delivered a paper to the ordinary of Newgate, which declared their innocence, and ascribed the blame of the whole transaction to the artifices of Mrs. Rudd; and, indeed, thousands of people gave credit to their assertions, and a great majority of the public thought Robert wholly innocent.

On the Sunday following, the bodies were carried from the house of Robert in Golden-square, and, after the usual solemnities, deposited in the vault of St. Martin's church. The coffins were covered with black cloth and nails, and a black plate on each, inscribing their names, the day of their death, and their ages (42). They were carried in separate hearses; their friends attending in mourning-coaches. The croud was so great, that the company could with difficulty get into the church; but at length the ceremony was decently performed, and the mob dispersed.







MRS PHILPOE

## MARIA THERESA PHIPOE,

(KNOWN ALSO BY THE NAME OF MARY BENSON,)

*Executed before Newgate, December the 11th, 1797,  
for Murder.*

THIS abandoned woman was remarkable for her masculine behaviour, and a daring disposition; as will be fully shewn in detailing the particulars of her very interesting trials.

Two years only, previous to her committing the horrid murder for which she suffered, she was convicted of forcibly taking from Mr. John Cortois, a promissory note of hand for 2000*l.*

The manner in which she extorted this property is highly characteristic of the ferocity of her nature. She then kept a house and a servant, for the purpose of receiving visits from the other sex.

Among other dupes to her artifice, was Mr. John Cortois, whom she seized soon after he had sat down in her house, and knowing that he possessed considerable property, bound him, with the assistance of the other desperate female, acting as her servant, to his chair with a cord, and with horrid imprecations, threatening, and even attempting to cut his throat, unless he gave her his note for 2000*l.* In a state of terror he signed the written instrument. This done, the ferocious female thought, she might negotiate the note with more safety, if he was killed, calling to mind Satan's proverb, that "Dead men tell no tales." For this diabolical purpose, she again attempted to murder him, and ordered him instantly to prepare for death, either by swallowing arsenic, a pistol, or stabbing with a knife, which she brandished over his head. At length the terrified gentleman became desperate in his turn, and attempted to escape. Mrs. Phipoe seized him, from whose masculine gripe, with the utmost exertion, he extricated himself, but not without having several of his fingers badly cut in the struggle.

For this most atrocious offence, she was indicted and tried.

The infamous accomplice, acting the character of her servant, was admitted evidence for the prosecution, and she, as well as Mr. Cortois, swore to the facts above-mentioned.

She was found guilty, but her counsel, moved in arrest of judgment, an argument upon a point of law, and it was determined, that great as were the aggravations in committing the crime, it did not come within the statute of felony.

She was therefore indicted for the assault, found guilty, and sentenced on the 23d of May, 1795, to twelve months imprisonment in Newgate, and was discharged at the expiration of that term.

So great now was her propensity to vice, that but a very few months elapsed before she committed the murder for which she was executed. The following are the shocking particulars of the horrid transaction:

She was indicted by the different names already given, for that she, the said prisoner, not having the fear of God before her eyes, but being moved by the instigation of the devil, did, in Garden-street, in the parish of St. George's in the East, with malice aforethought, on the body of Mary Cox, commit the foul crime of murder.

It appeared in evidence that the deceased was acquainted with the prisoner, and that she had called at her lodgings that morning.

Soon after the mistress of the house heard a scuffle and a groaning; she called two neighbours, and, going to the prisoner's door, which was locked, asked what was the matter? She replied, the woman was only in a fit, and that she was getting better. She then opened the door a little, when the witness saw she was bloody; two persons went for a doctor, and a third pushing open the door, saw the deceased bleeding upon the ground; she ran down stairs, crying murder, and to her great terror, was followed by the wounded woman, who laid hold of her: Mrs. Benson came down after the deceased was got into the kitchen, where she was when the surgeons

and beadles came; she was unable to speak, but yet made herself understood by one of the beadles, that she had been thus wounded by the woman up stairs.

He went up to the prisoner, who was sitting on the bed, and said to her, "For God Almighty's sake, what have you done to the woman below?" She answered, "I don't know; I believe the devil and passion bewitched me." There was part of a finger and a case knife lying upon the table; he said, "Is this the knife you did the woman's business with?" she answered, "Yes;"—"Is this your finger?"—"Yes."—"Did the woman below cut it off?"—"Yes;" but this the deceased denied, upon his afterwards questioning her with it.

The surgeon described the deceased to have received five stabs upon the throat and neck, besides several wounds in different parts of the body, and agreed with the surgeon, who afterwards attended her in the hospital, that those wounds were undoubtedly the cause of her death. The day after the deceased made a declaration before a magistrate, wherein she stated, that she had purchased of the prisoner a gold watch and other articles, for which she paid eleven pounds, and then asked for a china coffee-cup, which stood upon the chimney-piece, into the bargain; the prisoner bid her take one; but in doing so, she stabbed her in the neck, and afterwards had her under her hands more than an hour, she calling murder all the time, till at last she got her upon the bed, when she said she would kill her outright, that she might not tell her own story.

The prisoner, in her defence, said, that the deceased wanted to purchase only part of the things which she wanted to dispose of, and, upon her refusing to divide them, she became angry, and said that she only wanted the money to go to London to be Cortois's mistress again: the prisoner replied, that was a lie, for she never had been Cortois's mistress; the deceased retorted, that it had been proved so at the Old Bailey. She said that was a damn'd lie; and from this they both proceeded to very abusive language, and much violence.

There were two knives lying upon the table; the deceased took up one, and making a violent blow at the prisoner cut off one of her fingers. In the heat of her passion, full of pain, and streaming with blood, she stabbed her; but solemnly declared she had no recollection of what passed afterwards, until she found herself in her own room, covered with blood. This, she said, was the truth; the deceased, if alive, must confess she had been most in fault, and that which affected her the most was, that she had done her any injury.

The landlady where the deceased lived, and another person to whom she was well known, proved that she had a great respect for the prisoner, and had often heard her declare she believed the prisoner had the same for her.

Mr. Baron Perryn, who tried the prisoner, then addressed the jury, as follows:

“ Gentlemen,

“ This is a charge against the prisoner at the bar, Maria Theresa Phipoe, otherwise Mary Benson, for the wilful murder of Mary Cox, by stabbing her in different parts of the body, and giving her several mortal wounds, of which she died; you have heard the evidence on both sides, both on the part of the prosecution, and also on the part of the prisoner, at considerable length; and all that will be necessary for me, in the discharge of my duty, will be to recapitulate that evidence, and if I mistake in any point, I request the counsel on both sides will correct me. [Here the learned judge summed up the evidence on both sides, and then added,] Gentlemen, this is the evidence: it is a very suspicious circumstance against the prisoner, that she should send out her landlady, at that particular time to buy brandy and bread, and when she returned, to prevent her bringing it up stairs, saying, it would not be wanted for some time; that is a presumption that she was occupied about something which interested her at that time: with respect to the understanding of the prisoner, the witnesses have all sworn, who speak to that point, that she was in her proper

senses; you have heard the defence which she has made; now, to be sure, if she had given the same account to the beadles, which she has done in court to-day, it would have operated very much in her favour: if this latter account was true, what could be the meaning of concealing the knife in her bosom, and giving it up with so much reluctance.

“ It was stated by the deceased, and by several witnesses, that she had locked the door, and for some time denied admission to the neighbours. If she had been attacked, as she alledged, and was so remarkably subject to passion, why did she obstruct the means of preventing her passion from producing any mischief. Her threatening to kill the deceased outright, that she might not be able to tell her own story, was a very unfavourable circumstance to her. There does not appear to be any colour for her barbarous treatment of the deceased, who had always regarded her with affection; and all the evidence which the prisoner has produced in her behalf, does not appear to me to diminish the enormity of the charge against her. But it is for you to pronounce, in the case, as it appears to your judgments and consciences; if, from all the circumstances, you are of opinion that she has intentionally and maliciously committed the crime charged against her, you must find her guilty; but if it appears to you that the deceased was the aggressor, and drew her fate upon herself, you will of course pronounce a verdict of acquittal.”

The jury retired for twenty minutes, and returned with a verdict of “ Guilty.”

Proclamation being made in the usual form, Mr. Barron Perryn immediately proceeded to pass sentence, that she should be executed on the Monday following, and her body afterwards dissected and anatomized, according to the statute.

When the judge came to this part of the sentence, the prisoner said, “ You may speak out, I am not afraid;” and when he had finished with the usual words, “ The Lord have mercy on your soul,” she said, “ I do not place very great dependence on *your* mercy.”

The prisoner appeared, both before and after the examination of the witnesses, much concerned about her property, and said, she had not received back all the money that lay about the room when the officers entered it; and on the two notes being produced in court, she said they were not her's, for the property she required was all in gold.

However improper her conduct was before, she now behaved with due decorum, being attended by a Roman Catholic priest.

She left a guinea for the most deserving debtor in the gaol, and gave the same sum to the executioner.

After hanging an hour in the view of a great number of spectators, one third of whom were females, the body was cut down, and delivered to the surgeons for dissection.

In her last moments she confessed the justness of her sentence, but denied her having cut off her own finger, saying it was done in the scuffle with the woman she murdered. She also denied to the last having poisoned a young woman some years since, who had left her a legacy of one thousand pounds. She owned to have been guilty of many enormities, and attributed her frequent gusts of passion to the use of laudanum.

Her body was publicly exhibited in a place built for the purpose in the Old Bailey.

## REBELLION IN IRELAND.

*Its Rise and Progress—Assassination of the Lord Chief Justice and his Nephew—Particulars of the Lives and Executions of the principal Rebels in 1803.*

IN 1790, a confederacy, calling themselves "The United Irishmen of Belfast," was formed in the north of Ireland; on the 9th of November, 1791, the society of united Irishmen of Dublin commenced their meetings, chusing for their chairman the Hon. Simon Butler,

second son to Lord Viscount Mountgarret, and for their secretary the celebrated James Napper Tandy, who at that time was a citizen of a considerable interest and political influence in Dublin, and a member of the whig club. This extraordinary person was afterwards convicted of high treason, and pardoned; he then went into France, and died at Bourdeaux, a general in the service of Bonaparte.

After a recapitulation of grievances, they say, "In the present great era of reform, when unjust governments are falling in every part of Europe: when religious persecution is compelled to abjure her tyranny over conscience; when the rights of men are ascertained in theory, and that theory is substantiated by practice; when iniquity can no longer defend absurd and oppressive forms against the common sense and common interests of mankind: when all government is acknowledged to originate from the people, and to be so far only obligatory as it protects their rights and promotes their welfare; we think it our duty, as Irishmen, to come forward and state what we feel to be our heavy grievance, and what we know to be its effectual remedy." This declaration then states several resolutions, complaining of the English influence in Ireland, the necessity of an equal representation of all the people in Parliament, the rejection of a place bill, of a pension bill, and of a responsibility bill; the sale of peerages in one house; the corruption avowed in the other; the borough traffic between both, symptoms of a mortal disease which corrodes the vitals of the constitution, and leaves to the people in their own government but the shadow of a name.

The society then specially resolves, "that the weight of English influence in the government of Ireland is so great, as to require a cordial union among all the people of Ireland to maintain that balance of power which is essential to the preservation of liberty, and the extension of their commerce.

"That the sole constitutional mode by which such



influence can be opposed, is by a complete and radical reform of the representation of the people in Parliament : and that no reform is practicable, which shall not include Irishmen of every religious persuasion."

From the above resolutions it is clear, that a principal object of the society was completely to emancipate the Irish Roman Catholics, and to admit them into the House of Lords and Commons ; and, indeed, a great majority of the society were of that religious persuasion ; and since its origin, the Catholic claims have been unceasing. Mr. Emmet, and a few others, had, however, two different objects—first, to separate Ireland from England ; and, secondly, to establish a republic. This party formed a private society among themselves, and with them originated the system of insurrection which in 1798 broke out into a rebellion, in which several thousands lost their lives, and many of the promoters suffered on the scaffold, before it could be suppressed.

England now charged Ireland with disaffection—Ireland replied, that she was oppressed beyond endurance by England ; and brooding on her complaints, a well-digested conspiracy (with which government was not acquainted till nearly the moment of explosion) in 1803, threatened the city of Dublin with the most serious calamities.

At an early hour on the evening of July the 23d, a variety of inflammatory proclamations were distributed in every part of the town, calling upon the people to unite as before, in opposition to English oppression, &c. and at so early an hour as eight o'clock, a large party forced their way into the Lord Mayor's house, and seized all the arms and pikes ; about ten o'clock, a general engagement took place in the neighbourhood of James-street, Thomas-street, and in every part of the liberty.—One of their early acts was the murder of Lord Kilwarden (the chief justice of the king's bench) a healthy man, and about sixty years of age, and his nephew the Rev. Mr. Richard Wolf : Miss Wolf, the daughter of Lord Kilwarden, was with them in the post-chaise. They were returning from his lordship's country seat, drawn

from thence, as reported, by a forged message. Just as the carriage came along the market-house, in Thomas-street, Lord Kilwarden was recognized, and a mob hitherto concealed, rushed upon it in every direction, armed with guns, blunderbusses, pikes, swords, &c. Some seized the horses by the head, and dragged the postillion from his seat; while others rushed on each side of the carriage, and opened the doors.

Miss Wolf sat between her uncle and brother, who were dragged out by inhuman fiends from her side, one from each door. In a state of distraction at this inhuman proceeding, and terrified by the horrid banditti, who surrounded the carriage, Miss Wolf jumped out, and was received in the arms of one of them, who carried her through the crowd, unhurt, to an opposite house, where she remained secreted, until four o'clock on Sunday morning, when she was conveyed to the castle.

Major Swan, with a strong detachment under his command, was ordered by government to repair to Thomas-street, the principal scene of the insurrection.

A small party of the military had already skirmished there with the rebels, and a considerable number of the latter were killed and wounded. When the major arrived there, he saw several lying dead in the streets, and one man only with a pike, who was fired at.

Lord Kilwarden had been carried to the watch-house, in Vicar-street, where Major Swan saw him lying on the guard-bed, dreadfully lacerated; his nephew, Mr. Wolf, was killed on the spot. His lordship, although near expiring at the time, knew the major, and appeared perfectly in his senses. He eagerly enquired as to the fate of his daughter; and, being assured by the major of her safety, he exclaimed, with an emotion of gratitude to heaven, "Thank God!" A military gentleman present, naturally filled with indignation, observed, that every man taken with a pike in his hand, ought to be instantly hanged: which Lord Kilwarden overhearing, turned to Major Swan, and most impressively exhorted him "to let no man be hanged without being brought to trial!"

A detachment of the military, under the command of Colonel Brown, who with Mr. Edmiston, and Mr. Parker, of the liberty-rangers, lost their lives in this most disagreeable of all services, attacked a large body of the disaffected, in Francis-street, and dispersed them, but not without a shocking scene of slaughter.

The unfortunate chief justice lingered in excruciating pain, about two hours, and expired a martyr to his profession. He was a great lawyer, and, what is more meritorious, a good man. It was said, that he had frequently expressed a presentiment, that he should fall by the hands of the assassin.

Dublin now became a scene of confusion and horror. The habeas corpus act was suspended, and the military were left uncontrolled by the civil power.

At length peace was somewhat restored, and large rewards were offered for the apprehension of the principal actors in this rebellion. We therefore proceed, without further comment, which indeed our limits will not allow, to the trial of Emmet, the chief of the rebellion.

### ROBERT EMMET, ESQ.

*A Counsellor at Law, and Chief of the Irish Rebels, in 1803, executed.*

THIS unfortunate young gentleman was the son of Dr. Emmet, a physician in Ireland, a man of republican principles. At college, he was distinguished as an orator, particularly in the historical society; but his bold promulgation of democratic principles raised him many enemies in the university; and at length being suspected of disaffection to the British government, to avoid a prosecution with which he was threatened, he fled into France, in which country his brother, Thomas Emmet, at that time resided.

Early in 1803, Robert Emmet returned to his native land, where he joined a band of conspirators, who had escaped in the rebellion of 1798, and who had deter-

mined upon seizing the castle of Dublin, and making the lord-lieutenant a prisoner. On the 23d of July, 1803, this conspiracy broke out into an insurrection about nine at night, and was completely quelled before morning. Lord Kilwarden, the chief justice of Ireland, was murdered in his carriage by a banditti, as already stated; and Emmet, to adopt his own expression, instead of finding himself a leader of a formidable insurrection, found himself without any influence or command, in the midst of a ruffianly mob. With a few adherents, he escaped into the mountains, but returned in a few days, was taken near Dublin, tried for high treason, convicted, and executed, being not more than twenty-four years of age.

This unfortunate youth had early imbibed, under the tutelage of his father, those political doctrines, which caused his ruin.

The object of his enthusiastic mind was to separate Ireland from Great Britain, and this he hoped to accomplish without any interference or assistance from France, as appears from his address to the court after his conviction. These are his words:—"God forbid that I should see my country under the hands of a foreign power. If the French should come as a foreign enemy, Oh! my countrymen! meet them on the shore with a torch in one hand, a sword in the other—receive them with all the destruction of war; immolate them in their boats before our native soil shall be polluted with a foreign foe! If they proceed in landing, fight them on the strand, burn every blade of grass before them as they advance, raze every house; and, if you are driven to the centre of your country, collect your provisions, your property, your wives, and your daughters: form a circle around them—fight while but two men are left; and when but one remains, let that man set fire to the pile, and release himself, and the families of his fallen countrymen, from the tyranny of France."

As Robert had then recently returned from France, and from communing with his brother, it is but fair to

conclude that, on this point, they coincided in political sentiments.

From the conduct of this youth, he appears an enthusiast in politics, heated by a sanguine mind even to a degree of insanity, which, though it may not excuse, must palliate, his offences.

His oratorical abilities were considerable; and his conduct at that awful moment, when death stood before him, inexorable and inevitable, proved his courage.

He directed the executioner in the preparations necessary to deprive him of life; and did all in his power, to impress on the minds of the spectators, that even in the violent manner, in which he was about to lose his life, there was neither fear nor terror—"making a virtue of calamity"—and leaving the world without a tremulous nerve.

Robert Emmet was tried and convicted in Dublin, before Lord Norbury, and a respectable jury, on Monday, September 19, 1805.

After the evidence, the provincial proclamation was read, to shew the object of the insurrection, and the resolution proscribing the yeomanry, and other loyal subjects. The prisoner desired, that a part of it should also be read, by which it was decreed, that no man should suffer death, by court-martial, but for mutiny, until the pleasure of the provisional government should be known: it was read accordingly.

The proclamation addressed to the citizens of Dublin was also read. The prisoner's counsel accounted for the intimate knowledge he had of the provisional proclamation, by saying that it had appeared in other publications. The following papers were then read:—No. I. (found in his lodgings by Major Sirr) was nearly as follows:—"It may seem strange that a person avowing himself to be an enemy of the present government, and engaged in a conspiracy for its overthrow, should undertake to suggest an opinion on its conduct, or expect that advice from such a quarter should be received with attention. The writer of this, however, does not mean to offer an opinion upon a point, in which he feels difficulty

—on which his candour might be doubted; his intention is to confine himself to points on which he feels with the merciful, and as an Irishman: with the English part of the present government, he will communicate in the most precise terms the line of conduct which he may be hereafter compelled to adopt; and which, however painful, would be doubly so, if he did not try to avoid it by the most explicit notification.

“It is not the intention of the undersigned, to do more than state what the government must acknowledge, that of the conspiracy he knows nothing; and instead of creating terror in its enemies, and confidence in its friends, it will serve, by the scantiness of its information, to furnish new grounds of conviction, to those who are too ready to accuse it for the want of that intelligence which no sagacity could enable it to maintain. If, then, it is unable by a display of its discoveries, to evince its strength and vigilance, it cannot hope to crush the conspiracy by the weight of its power.

“It is only now that men have to learn, that entering into a conspiracy, exposes them to be hanged. . . . . Can it hope to injure the body of the conspiracy, so imperceptibly woven as the present, by merely cutting off a few of the threads? . . . . . No system can change the conduct which the U. I. will adopt for effecting the emancipation of their country.”

No. II. found on the prisoner's person.—“I wish particularly to know how matters stand, if you are not afraid. What hopes there are from abroad, and what they mean to do; and whether, if they pay us a visit, we shall not be worse off than we are? . . . . . He is very desponding, and says the people are incapable of redress, and unworthy of liberty; that he is confirmed in this by the late transaction, which must have succeeded but for their barbarous desertion and want of unanimity. He thinks that the invasion will not take place at all, but that it is the plan to wear down the English by the expense of frequent preparation.”

No. III. found in the desk in Thomas-street.—“I have but little time to look at the thousand difficulties

between me and the completion of my wishes ; that they would succeed I have ardent, and I trust, rational hopes ; but if this should not be the case, I thank God for having gifted me with a sanguine disposition, so that I run from reflection ; and if my hopes are without foundation—if a precipice be opening under my feet, from which duty will not suffer me to depart, I am thankful for that disposition, which leads me on to it, and hurls me down, while my eyes are raised to the visions of happiness which my fancy has formed in the air.”

No. IV. was the manuscript of the proclamation of the provisional government, found in the desk in Thomas-street.

When this unfortunate young man was called upon to know if he had any thing to say why sentence of death should not be passed upon him, he addressed the court and jury nearly in the following terms :

“ I am asked if I have any thing to say why sentence of death should not be pronounced upon me. Was I to suffer only death, after being adjudged guilty, I should bow in silence ; but a man in my situation has not only to combat with the difficulties of fortune, but also the difficulties of prejudice ; the sentence of the law which delivers over his body to the executioner, consigns his character to obloquy. The man dies, but his memory lives ; and that mine may not forfeit all claim to the respect of my countrymen, I use this occasion to vindicate myself from some of the charges advanced against me.

“ I am charged with being an emissary of France—’tis false ! I am no emissary—I did not wish to deliver up my country to a foreign power, and least of all to France.—No ! never did I entertain the idea of establishing French power in Ireland—God forbid ! On the contrary, it is evident from the introductory paragraph of the address of the provisional government, that every hazard attending an independent effort was deemed preferable to the more fatal risk of introducing a French army into the country. Small would be our claims to patriotism and to sense, and palpable our affectation of the love of liberty, if we were to encourage the profana-

tion of our shores by a people who are slaves themselves and the unprincipled and abandoned instruments of imposing slavery on others.

“ If such an inference be drawn from any part of the proclamation of the provisional government, it calumniates their views, and is not warranted by the fact. How could they speak of freedom to their countrymen? How assume such an exalted motive, and meditate the introduction of a power which has been the enemy of freedom in every part of the globe? Reviewing the conduct of France to other countries, could we expect better towards us? No! Let not, then, any man attain my memory by believing that I could have hoped freedom through the aid of France, and betrayed the sacred cause of liberty by committing it to the power of her most determined foe: had I done so I had not deserved to live; and, dying with such a weight upon my character, I had merited the honest execration of that country which gave me birth, and to which I would have given freedom.

“ Had I been in Switzerland, I would have fought against the French—in the dignity of freedom I would have expired on the threshold of that country, and they should have entered it only by passing over my lifeless corpse. Is it then to be supposed, that I would be slow to make the same sacrifice to my native land? Am I, who lived but to be of service to my country, and who would subject myself to the bondage of the grave to give her independence—am I to be loaded with the foul and grievous calumny of being an emissary of France?

“ My lords, it may be part of the system of angry justice, to bow a man's mind, by humiliation, to meet the ignominy of the scaffold, but worse to me than the scaffold's shame, or the scaffold's terrors, would be the imputation of having been the agent of French despotism and ambition; and while I have breath, I will call upon my countrymen not to believe me guilty of so foul a crime against their liberties and their happiness.



“ Though you, my lord, sit there a judge, and I stand here a culprit, yet you are but a man, and I am another. I have a right, therefore, to vindicate my character and motives from the aspersions of calumny; and, as a man, to whom fame is dearer than life, I will make the last use of that life in rescuing my name and my memory from the afflicting imputation of having been an emissary of France, or seeking her interference in the internal regulation in the affairs of my country.

“ Did I live to see a French army approach this country, I would meet it on the shore, with a torch in one hand, and a sword in the other—I would receive them with all the destruction of war! I would animate my countrymen to immolate them in their very boats; and before our native soil should be polluted by a foreign foe, if they succeeded in landing, I would burn every blade of grass before them, raze every house, contend to the last for every inch of ground; and the last spot on which the hope of freedom should desert me, that spot I would make my grave! What I cannot do, I leave a legacy to my country, because I feel conscious that my death were unprofitable, and all hopes of liberty extinct, the moment a French army obtained a footing in this land.”

After some farther matter, he concluded thus:—“ My lamp of life is nearly expired—my race is finished: the grave opens to receive me, and I sink into its bosom. All I request, then, at parting from the world, is the charity of its silence. Let no man write my epitaph; for as no man, who knows my motives, dare vindicate them, let not prejudice or ignorance asperse them; let them and me repose in obscurity and peace, and my tomb remain undescribed, till other times and other men can do justice to my character.”

The foregoing is a faithful report of this unfortunate young man's exculpation of himself from the charge of co-operating with the French in any design to invade this country; and whether voluntary or involuntary, it is an evidence against the character of the common enemy, which, coming from such authority, ought, and we

trust will have the most salutary effect upon all who may have participated in his principles or his treasons.

Whether the sincere conviction of his mind, or the imposition of pride, anxious to rescue his memory from the foul shame of having sought to deliver his country up to a foreign and a cruel enemy, he is entitled to equal credit; and if any thing were inscribed on his tomb, most honourable to himself, and atoning to his country, it is the character which he has given of the arch foe to the peace and liberty of mankind.

The court listened to him with a great deal of patience; and although indignation was visible in the countenance of every person in court, at this public avowal of his guilt, yet not a murmur was heard.

Lord Norbury, after a salutary remonstrance to the prisoner, and paying a handsome compliment to some of the respectable members of the family to which he belonged, pronounced the awful sentence of the law in cases of high treason.

Mr. Emmet, after his trial, was taken to Newgate, where dinner had been prepared for him. He there requested to see Mr. Mac Nally, one of his counsellors in his defence. To him, it is generally rumoured, he made a full disclosure of all the means he had used to effect the late insurrection, and authorised him to make it known to government.

He declared himself the chief mover and instigator of that attempt to effect a revolution, and solemnly denied having any associates either in this country of either property or respectability.

He accounted for the expenses incurred in preparations for rebellion, by stating that he had received, on the death of his father, 3,500*l.* and that he had expended of that sum 2,500*l.* in purchasing the arms found in the depot in Marshalsea-lane.

He also denied having solicited or received any assistance from the French government, and protested, were this country invaded by Frenchmen, from his information of their principles and conduct wherever they went, that he would be one of the most zealous in the

expulsion of such treacherous, and sanguinary, miscreants.

At the place of execution he expressed the same sentiments.

EDWARD KEARNEY, alias CARNEY, was tried by a special commission, at Green-street.—The attorney-general addressed the court and jury, in a speech, which lasted nearly one hour and a half, on the nature of treason, and how the act of the 25th of Edward the Third applied.

He explained the nature of the transaction of the 23d, of July ; that it was a business of much narrower limits than those engaged in it were willing to admit ; that it was a visitation of Providence to rouse the people to a greater exertion of loyalty, to make them put on the armour of war. He dwelt with peculiar energy on the difference between the governments of France and England.

He then called the attention of the court to the conduct of government to the traitors in 1798 ; some paid their lives as the forfeit of their crimes, some were transported, and some escaped for want of legal evidence to convict them.

Many of them have changed from their former conduct, but others have returned to disturb a constitution, the envy and admiration of the universe. He read a part of the rebel proclamation, and contrasted it with their conduct.

Patrick M'Cabe, who had turned approver for the crown, admitted, that he was concerned in the rebellion of 1798 ; that he was informed of the present business the day before the rebellion ; he proved the general circumstances of the transaction, but he did not prove the identity of the prisoner.

The principal evidence against the prisoner was a lieutenant, and Adjutant Brady, of the 21st regiment, who proved the finding him in arms on the night of the 23d : this was confirmed by a private in the same regiment, though there was some trifling difference in the evidence.

The prisoner's defence consisted of a speech of considerable length, from his counsel, who endeavoured to excite doubts in the minds of the jury, and on these doubts to decide a verdict of acquittal. He paid many compliments on the moderation of the government, and appealed to a similar principle in the minds of the jury.

The prisoner he represented as a poor, but honest and industrious hawker of skins, who had been that fatal evening pressed into the service of the insurgents. Certain evidences were adduced to prove an alibi for him, and others to give him a good character: he was, notwithstanding, after the jury had retired for a few minutes, found guilty.

Lord Norbury, previous to recapitulating the evidence, which he did very minutely, laid down the law of high-treason, and stated, from several eminent law-reports, the different mode of practice adopted by the courts in England. His lordship was peculiarly affecting in pronouncing sentence of death on the unhappy prisoner, whose levity of manner, in the mean time, bordered on insanity, while aiming to exculpate himself.

His execution was fixed for the following Friday, (September 2,) when he was executed in Thomas-street, where he was apprehended, and nearly on the spot, where the barbarous butchery of the late Lord Kilwarden took place.

He was taken from the gaol to the place of execution, about one o'clock, escorted by a strong military guard, and behaved in the same intemperate manner which distinguished him on his trial.

He was one of the lower rank of society, and what is termed a skin-jobber by profession, (a dealer in dry calfskins), and seemed to be between forty and fifty years of age.

It will be conceived that penitence had made no impression upon him, when it is stated, that a short time before he left the gaol, he swore by his Maker, he was not guilty. The Rev. Mr. Archer and the Rev. Mr. Gamble took much pains in exhortation, to bring him to a proper sense of his awful situation: he read a Catho-

lic prayer-book for a short time before he left the prison; but, alas! not in a manner that evinced sincere repentance.

The unfortunate malefactor had been much given to intoxication in the course of his life, and which, no doubt, had been his bane: he candidly acknowledged such excess, and was most impressively intreated by Dr. Gamble, if he would make no other acknowledgement, at least to do that to the multitude of the lower class at the place of execution, and warn them against such ruinous vice, and which this malefactor promised to do.

He seemed to pay more attention to the fate of his body than his soul, having several times enquired before he left the prison, what was to become of it after his death. At the fatal spot, however, he behaved with much fortitude; and, addressing the croud in a distinct voice, warned them to return to their allegiance.

After he was hanged, his head was cut off by the executioner, who held it up in his hand to the spectators, according to the law against his crime, saying, "Behold the head of a traitor." His remains were brought back in a cart to the prison, and afterwards interred in the yard of Newgate.

Notwithstanding the threat in the rebel proclamation, "that the execution of the first man, who should suffer as a traitor, should be the signal for a general rising," the sentence was carried into effect without exciting the smallest disturbance.

**THOMAS MAXWELL ROCHE**, an old man, about sixty years of age, and by trade a slater, was the next brought to trial, September 1. The evidence afforded nothing new, or materially differing from that adduced on the trial of Kearney; like him, Roche was found in arms in Thomas-street, by Lieutenant Brady, and the party of the 21st regiment under his command. He also was executed in Thomas-street.

**OWEN KIRWAN**, an old clothesman, was the third person indicted.

Benjamin Adams, a silk-weaver, in Plunket-street, swore, that he knew the prisoner for ten or twelve years, who lived nearly opposite to him; he recollected the night of the 23d; saw the prisoner leaning over his door; also saw him go up repeatedly from his house to Thomas-street, with a green bag filled with something; saw him between eight and nine o'clock going into his house, he was then at the window on the third floor; beheld a rocket in the air go across the street over the prisoner's house; prisoner then said, "There is the rocket, my boys!" he then turned into his shop, put on a green coat, and went out; his wife followed him, and made him come back, and put on a cotton jacket. Prisoner put a pike on his shoulder, and said, "God's blood, boys! the town is our own to-night." He then said, "Any man that does not turn out to-night will surely be put to death to-morrow."

The prisoner and his party then ran up Plunket-street, and turned into Thomas-street. The party were all armed with pikes, and the prisoner at the bar had also a pike; in about half an hour afterwards the witness saw a parcel of armed men pass down Plunket-street towards Patrick-street; in about a quarter of an hour after, sixty or seventy persons came down Plunket-street: some of them stopped at the prisoner's door, and some lower down; they got beer. Kirwan's wife had something prepared for them. In about half an hour he heard a firing from the Coombe.

The prisoner called several persons, who gave him the character of a sober industrious man, and one who they never heard was concerned in any rebellious affair. The jury, however, found him guilty. The next day (Friday, September 2,) he was brought up to receive sentence of death, which was pronounced upon him with peculiar solemnity by Baron George; who also addressed the prisoner in an affecting speech of some length, concluding in nearly the following words:

"Do not suppose that the cause you engaged in, and for which you have forfeited your life is popular, and will

rescue your memory from the deserved odium which must attach to it, in proportion as you die obdurate or unatoning. No, wretched man! your mad atrocities, your horrible assassinations, will only be remembered, and the detestation of posterity feature you in the blood you have shed. In the last rebellion it was to be lamented that wicked men made use of arguments to mislead the weak, and to palliate treason; but has any human creature said a single word in favour or palliation of the insurrection to which you have been so actively assisting? No! its sole object has been blood and desolation; and the fate of him who could promote, in conspiracy or in action, such an object, can never be attended with popularity. Discharge, therefore, such a wicked and dangerous delusion from your mind, if you should be so unhappy as to entertain it; think only of your salvation, as a contrite Christian should, and do not leave the world with a lie in your mouth, and go before your Maker, swaggering in vain and boastful guilt. Believe me, unhappy man, that to disclose all you know, and thus make your injured country and offended God all the atonement in your power, will prove an inexpressible consolation to you in your last moments, and infuse into your soul that sweet consciousness of right, which can alone sweeten the bitter draught you are about to take, and justify a hope of future pardon and happiness. You were told that a rocket would be the signal of insurrection. You knew of the mischief to be done; you were evidently deep in the dreadful secret; and therefore again I exhort you, as you value your eternal salvation, not to leave this life until you do justice to your country, and make what return you now can for the crimes with which you have disgraced it. But while I thus urge you to the disclosure which your duty should suggest, do not think that I am authorised to hold out any hope to you, or that any disclosure will be an atonement to the law: but under any consideration of your interest or duty, you must act in opposition to both, whether in this world or the next, by denying.

the truth and justice of the verdict pronounced upon you, and persisting in a frame of mind incorrigible to repentance and atonement."

This unhappy culprit was executed September 8, in Thomas-street, on the same gallows where his partners in rebellion and assassination expiated their crimes. His conduct was decent, and he acknowledged the justice of his sentence, and the impartiality of his trial.

JAMES BYRNE, who had been bred up to the baking business, which he had successfully carried on for some years in the neighbourhood of Naas, in the county of Kildare, was, September 2, found guilty on charges of high-treason, and the next day received sentence of death from Baron Daly.

On the 5th (two days after) he was executed opposite the King's stores, in Townsend-street, where a temporary gallows was erected for the purpose. There was an immense concourse of spectators, whom he addressed in the following very few words: "Gentlemen, I hope my fate will be a warning to you all."

He was a large man, and his weight extended the rope by which he hung to such a length, that his feet reached the ground; and, for want of any species of machinery to ease him, the executioner was obliged to bend his legs backwards, and tie them to his thighs. He hung for some moments, apparently in great torture. After hanging twenty-three minutes, he was cut down, and his head severed from his body.

On the 6th of September, FELIX ROURKE, a rebel officer was also convicted of high treason. This man was a colonel in the rebellion of 1798; previous to which he was serjeant to the Coolock yeomanry corps, and joined in a conspiracy to murder Captain Ormsby, and some other officers of the corps: a man of the name of Clinch was executed for this crime.

Rourke afterwards turned strolling player; but, failing in that pursuit, he again turned his thoughts to real



scenes of human bloodshed, in which he acted a principal part.—He, with John Killin, and John M'Cann, (two other convicted rebels) was brought up on the 9th, and received sentence of death.

On this occasion, Baron George addressed the prisoners in a most feeling manner, but particularly Felix Rourke, to whom he represented the aggravation which his crime received from the part which he took in the insurrection; not only committing treason himself, but seducing others to a similar crime.

Before sentence was passed, Rourke addressed the court in language calculated to convey an impression that he was superior to the vulgar herd: he, however, negatively admitted that he was a leader of rebellion on the evening of the 23d of July, but solemnly protested that he was never concerned in shedding of blood. Few, however, of those who heard him, believed that he was innocent of the massacre of that dreadful night.

Rourke, on his leaving gaol on Saturday, September 10, for execution, endeavoured to affect fortitude, and to baffle a shivering that he was seized with. Being asked if he was easy in his mind? he said he was perfectly composed: he went in a smart pace from the gaol into the cart, and sat on the side going to the gallows, and as he went from the prison, bowed his head to those he saw in the windows, signifying farewell to his comrades: on his way he looked much about him in the town, instead of paying attention to his book.

He was escorted by a strong party of horse, and a corps of yeomanry were assembled on the spot, to prevent any attempt to rescue him. Notwithstanding his assumed boldness, and his protestations of innocence, he met his fate with the most abject cowardice; at the gallows he confessed the justice of his sentence, and retracted his assertions of innocence. He was executed in Rathcoole, in the neighbourhood of which he lived; this town, at the time of his execution, seemed to have been deserted by its inhabitants, there being not one in coloured clothes to be seen.

The following Monday, Killin and M'Cann were exe-

cuted in Thomas-street : they conducted themselves with apparent penitence, and acknowledged the justness of their punishment.

HENRY HAWLEY, another of these traitors, was a native of Roscrea, in the county of Tipperary, and had been so active in the rebellion of 1798, that he was wounded in an attempt to plunder a house, in that neighbourhood, of arms. When John Hanson, the keeper of the tower, in the castle, went to arrest him, this desperate man immediately fired at and shot him : for this crime he was not indicted, but for that of high-treason, September 27. The fact of his having been employed in the manufacture of pikes was proved by evidence similar to that produced on former trials ; and no attempt being made to rebut the charge, the jury, without going out of the box, pronounced the verdict of guilty ; and, after a solemn address to the prisoner, on the enormity of his offence, Baron George pronounced the sentence of death.

This wretched man was executed September 29, 1803, according to his sentence, at the front of the New Prison. Before the rope was adjusted, he requested leave to address the people. The extreme contrition and repentance which he expressed, induced the sheriffs to yield to his desire : he accordingly came out upon the platform, and raising his voice so as to be heard at a considerable distance, said nearly as follows :—Good people, pray for me, and pray that I may be forgiven my sins, which I heartily repent of. Good people, you see to what a situation I am brought by my own folly, and by bad advisers. Good people, love each other, and forget all animosities—relinquish your foolish pursuits, which, if you continue to follow, will, in the end, bring you to the situation in which I now stand.”

He confessed that he had, with his own hand, murdered Colonel Brown, of the 21st regiment, on the night of the rebellion. He appeared fully sensible of the enormity of his crime, as well as that of the murder of Hanson, and exhibited an appearance of the deepest

remorse, entirely different from that sullen and ferocious apathy with which so many of his accomplices had met their fate. His whole conduct excited a degree of compassion, which it required the full recollection of his crimes to overcome. He returned from the platform; and, having prayed for a short time, was again led forth, and the trap falling, he died without a struggle.

On the first of October, JOHN M'INTOSH was tried before a special commission, on the same charges of high-treason with those whose trials preceded him. It appeared that the prisoner, a carpenter by trade, had rented the house, No. 26, in Patrick-street, where the explosion of gunpowder took place on the Saturday previous to the insurrection. On that occasion he would not accept of the assistance of his neighbours, but locked up the place, telling a man living next door to him, who was more particular in his enquiries, that the explosion was in consequence of an experiment tried by silk-dyers. Mr. Wilson, a chief peace-officer, went to the house the following evening, and ascertained the explosion to have been that of gunpowder; a parcel of which he found in an unfinished state, and some saltpetre. He also found in a chest about fifty fresh cast musket-balls, a volume of De Volney's *Ruin of Empires*; and in the house were about two hundred pike handles. In an adjoining house, he found a parcel of bayonets, with the sockets filled with wood, and as if they had been sawed from off the handles, which were in the first house. It appeared that, after the explosion in Patrick-street, the prisoner went immediately to the depot, in Mass-lane, where he continued until the 23d of July, preparing for the insurrection, which broke out on that evening.

When the insurrection took place, he was actively engaged in it: he was one of those who fired at the trooper who was killed; he was also among the assassins who stopped Lord Kilwarden's carriage; and stood by while that lamented nobleman and his nephew were put to death.

It did not appear that he inflicted any of the wounds

which were all given with pikes, he having been armed with pistols and a blunderbuss.

After the defeat of the insurrection, he fled; and, as he was passing through Arklow in the county of Wicklow, he was arrested by Mr. Coates, a magistrate, to whom he said that his name was Magrath; that he was a mill-wright by trade, was going to Waterford, had been working at Mr. Jones's, in the county of Wicklow, and had not been in Dublin for three weeks previous to the 23d of July. There was no tenable defence set up; and the jury, without retiring, returned a verdict of "Guilty."

He was executed October 3, 1803, in Patrick-street, opposite the house where he had been employed in the manufacture of gunpowder.

On the day of M'Intosh's execution, THOMAS KEENAN was tried on the same charges of high-treason. It was proved that he was an associate of M'Intosh, and was arrested along with him in the town of Arklow, whither they had fled after the 23d of July.

Like M'Intosh he assumed a feigned name and occupation, when questioned by Mr. Coates the magistrate; and also said that he had been at work some time before the 23d, and on that day for a Mr. Jones, of Kilnecary, in the county of Wicklow. It was proved by two witnesses, Fleming and Finerty, that he had been in the rebel depot, in Mass-lane, in the course of the week previous to the insurrection, at work as a carpenter, making pike-handles, &c.; and Fleming swore positively that he was one of those who piked Lord Kilwarden.

The jury, after five minutes' conference, returned a verdict, "Guilty."

Sentence of death was immediately pronounced. The prisoner did not deny his having been one of the conspirators, but positively denied having been one of the murderers of Lord Kilwarden. He was executed on the 4th of October, 1803, in Thomas-street.

DENNIS LAMBERT REDMOND, a very principal per-

son in this insurrection, was tried for high-treason, October the 5th, his trial was intended to take place September the 3d, on which morning, just before he was sent for, he shot himself with a small pocket-pistol, which he had, for some time about his person, concealed in his pantaloons. The city surgeon immediately examined his wound, and reported it not dangerous.

Previous to this, he had offered to give information to government of all persons concerned in the late horrid insurrection, together with their plans and connections. This proposal, after having been well weighed, was rejected: the charges against the prisoner, who was not one of the deluded mob, being of such a nature as to make him, if found guilty, a peculiarly fit subject for an example.

The double shame of guilt and treachery hastened the commission of this rash act, which drew a veil between him and the publication of his crimes.

This wretched man, instead of accelerating his death as he intended, only procrastinated it by having thus postponed his trial and execution. Pat. M'Cabe, the accomplice, was the principal witness, who proved the conspiracy to levy war, on the 23d of July, in company with Allen, who was tried along with Arthur O'Connor, at Maidstone, and acquitted.

It was also proved, that he employed carpenters in his house to make pike-handles; and that a number of those weapons and bayonets were found concealed in his house, in the coal quay, particularly pikes under a part of the flooring, and more in three cases, formed to resemble beams of timber.

The jury, in about five minutes. returned a verdict of "Guilty."

Being asked why judgment should not be pronounced against him, he addressed the court with tremor, and under such strong agitation, that he was frequently deprived of speech for some minutes. In his address he alledged, that the conduct proved against him by M'Cabe had been exaggerated, though in part true; that in his conversation with Mr. Read, in Drogheda, Mr. Read

gave the King's health, which he drank, and then gave General Bonaparte; that on Mr. Read's speaking hardly of Bonaparte, he used his best arguments to support the character of the then chief consul, alledging that he had a right so to do, as respectable persons in London had been prosecuted for speaking against him. [Here he was stopped by agitation.] He then, after a pause of some minutes, went on—"I will, now that the halter is about my neck, and the axe ready to sever my head from my body, confess, that I held an official situation under the provisional government; and that the great object of my heart was to promote the views of that government—[Here again he stopped]—and every act which I have done in forwarding that government, I should be——" [Here his voice utterly failed]—and, after a long pause—

Baron George, with that benign humanity, which marks his every act, said, that if the prisoner had any thing more to say, the court would wait as long as he desired. The prisoner said, "he would give no further trouble;" and the baron, after the most impressive lecture on the fatal consequences of treason that ever was given, pronounced the terrible sentence of the law.

This unfortunate man was about twenty-five years of age, in his person tall and athletic, and rather a handsome long countenance.

He was executed on the 6th of October, 1803, in the coal quay, opposite to his own door, about half past two o'clock. He was dressed very genteelly, his hair was cropped, and he wore a large cravat, very high about his chin.

He quitted the gaol about one, and was brought over Carlisle-bridge, and through College-green, Dame-street, Parliament-street, &c. &c. He behaved, during his passage, with much composure and recollection, and seemed to take notice, rather particularly, of any little stoppage or noise in his progress, as he would often turn his head round to the front of the cart, and would salute his acquaintance as he passed them. He seemed to look on the different houses and public buildings, with which he

was more intimately acquainted, with a sort of farewell expression in his countenance.

On his arrival at the place of his execution, the female part of the spectators received him with quiet expressions, and signs of grief and pity: their eyes and countenances alone proved their feelings; but they cursed most heartily those who had seduced their friends to the paths of disloyalty; in short, every one pitied the man, but execrated his principles. Very little time was necessary to complete his business. He mounted the ladder with steadiness and resolution, and without the smallest levity, though there was a sort of indignant behaviour about him, which was most fully exemplified in his answer to the clergyman who attended him when he was asked, "Do you die in peace with all mankind?" he answered, "Tis no matter, I must die, whether or no." He remained on the platform for above five minutes alone, when he gave the signal which launched him into eternity. He fell with great force, and died with apparently little pain.

We shall conclude our account of these insurgents with that of THOMAS RUSSEL, (the only leader of note after Emmet,) who, under the title of the general of the northern district, under the provisional government, issued a proclamation to that district on the 23d of July. This man had been long distinguished for superiority of talents particularly as a military character. He had served both in the East and West Indies, and in the latter with great credit in the same regiment with General Knox, with whom he went to Ireland, and was very attentively treated by the Northland family, through whose interest he was appointed a magistrate of the county of Tyrone, and he lived for some time at Dungannon; but in consequence of a difference with the Northland family entirely arising from politics, he removed to Belfast, where he resided until the year 1792, when he was arrested, with Samuel Nelson and others, and conveyed to Newgate, Dublin: there he remained a prisoner until 1798, when he was sent with Arthur O'Connor and others, to Fort

St. George, in Scotland. At the conclusion of the last peace he was liberated with the other prisoners, and went to France. He lived at Paris during the peace, and was observed to be intimately acquainted with many of the members of the French government, and with several of the first generals in France. Immediately after the declaration of war, he was missed at Paris, and found his way to Ireland.

His mal-practices having been discovered by government, one thousand pounds were offered by proclamation for his apprehension, but his arrest was not produced in consequence of that offer. It was owing to a Mr. Emerson, of the attorney's corps, who had received information, which was obtained through the vigilance of the divisional inspector of the district, that a stranger of suspicious appearance was observed in the house of a Mr. Muley, gun-maker, in Parliament-street. This circumstance Mr. Emerson immediately communicated to Mr. Secretary Marsden, by whom he was referred to Major Sirr. Mr. Emerson accordingly called upon the major; and, accompanied by him and Lieutenant Minchin, with a detachment of Captain Green's corps of yeomanry, under the command of Lieutenant Beton, proceeded to the house in question about ten o'clock that night, where in a garret-room, they discovered the person whose conduct had excited suspicion. On their attempting to examine him he drew forth two loaded pistols, which he snapped at them; but both of them missed fire. Being recognized by Sirr, as Russel, the rebel general, he was seized and taken to the castle. He represented himself as Mr. Thomas, but Sirr had recollected him since he was a prisoner in Newgate; and, upon being taken to the castle he was immediately identified by an old acquaintance of his, the Hon. Captain Knox, son of Lord Northland, under whose patronage Russel once was, until he had forfeited it by his political principles. Other northern gentlemen, who were at dinner with Mr. Wickham, also knew Russel. After he had acknowledged his real name, he avowed his purpose in



coming to the country, and spoke in the boldest language of the "glorious cause" in which he was engaged.—"It is that," said he, "for which I would meet death with pleasure, either in the field or on the scaffold."

His trial came on October 19, 1803, before a special commission at Downpatrick, Ireland: it occupied the attention of the court from ten in the morning, till past eight in the evening. One very important fact came out in the course of his trial: that, with all the influence which he possessed at one period among the lower orders; with all the exertions which he made, aided by the manners of a popular leader, he was unable to raise any thing like a formidable body of insurgents. Individual adherents he met with; but the great body of the people shewed no disposition to espouse his cause.

The prisoner, having been asked if he had any thing to say why sentence of death should not be passed upon him, addressed the court in an eloquent and energetic, though rather unconnected speech, of about twenty minutes, in which he took a view of the principal transactions of his life for the last thirteen years; on which, he said, he looked back with triumph and satisfaction. He endeavoured to vindicate his conduct from the criminality attached to it, by asserting that in all he had done he had acted from the conviction of his conscience; and anxiously requested that the court would make his not only the first, but the only life which should be taken on the present occasion; mercifully sparing to their families and friends the lives of those men whom it was asserted he had led astray.

The Hon. Baron George, after a pathetic address of some length, then pronounced the awful sentence of the law, which the prisoner listened to with the greatest composure—bowed respectfully to the court, and then retired in the custody of the sheriff.

He was very liberally educated; and, in some pamphlets written by him upon the state of Ireland previous to 1798, he manifested considerable genius and information. He was about six feet high, of a very noble mien, a remarkably well-proportioned stature, and very marked

countenance. His mind seemed strong. His conversation was very interesting, when he was disposed to be communicative; but he was in general reserved. He was executed October 21st (Friday,) and suffered with a degree of fortitude worthy of a better cause.

## RICHARD FERGUSON,

(GALLOPING DICK.)

*Convicted at the Lent Assizes, 1800, at Aylesbury,  
and executed for a Highway Robbery.*

BUT few desperadoes on the road gained so much notoriety as this daring highwayman, who, for his hard riding, when pursued, obtained the name of Galloping Dick.

This extraordinary character was born at a village in Herefordshire. His father was a gentleman's servant, and being frequently in London, Bath, and other places with his master, he could not consequently bestow that strict attention to the education and morals of his son which his own conduct gave every proof he would otherwise have done.

Young Dick was sent to school at a very early age, but made indifferent progress, and gave early proofs of a daring and wicked disposition. While among his companions, if any mischievous project was set on foot, young Dick was sure to be their leader, and promoted it as far as in his power.

At about fifteen years of age, Dick's father finding him make so small a progress in learning, and given to such mischievous pranks, resolved to employ him under his own eye. The coachman being at this time in want of a stable boy, young Dick was taken to fill up the vacancy. He took great delight in his new employment, and being a smart and active youth, was very much noticed in the family. As he paid particular attention to the horses, he soon made astonishing progress in the management of them.

About a year afterwards young Dick came to London with the family. During their stay in town, the postilion was taken ill, and Dick was appointed to supply his place till he recovered, which was not very long.

Dick was now stripped of his fine livery, and sent to fill his station as a stable boy. This his haughty spirit could not brook. Fond of dress, and being thought a man of consequence, he resolved to look out for another place. Accordingly he told his father of his resolution, and asked his advice. His father knowing he was well qualified, in respect to the management of horses, told him, he would look out one for him.

A circumstance happened that very afternoon, highly gratifying to our hero's pride. A lady, who frequently visited the family, being in want of a postilion, asked Dick's master what had become of his late postilion? Being informed he was in his place, and was very fit for her employ, he was sent for and hired.

Dick was now completely his own master, and for some time behaved to the satisfaction of his mistress. He was a great favourite in the family, particularly among the female part. He was now in his twentieth year, and though not handsome, there was something very agreeable, if not captivating, in his person. For some time he lived happily in this family, until his mistress discharged him for an improper connection with one of the female servants.

He soon afterwards got another place, in which he did not long remain. He had at this time become connected with some other servants of a loose character, and as their idle and dissipated manners suited his disposition, he soon became intimate with them. After losing several good places by negligence, he applied to a livery stable, in Piccadilly, and obtained employment.

Dick's father now died, and left him the sum of 57*l.* which he had saved during the time he lived in the family. With this sum he commenced gentleman. He left his place, bought mourning, frequented the theatres, &c. One evening, at Drury-lane, he got seated by a female who particularly engaged his attention. He took

her to be a modest lady, and was very much chagrined at finding her readily granting his request to conduct her home. He resolved to leave her, but found his resolution fail him, and at the end of the play he conducted her home to her residence in St. George's Fields, and stopped with her the whole night.

Next morning, after making her a handsome present, he took his leave, with a promise of soon repeating his visit. He went home, but this artful courtesan had so completely enamoured him, that he could not rest many hours without paying her another visit; and only for the accidental visit of some companions, he would have returned immediately. With them he reluctantly spent the day, and in the evening flew again, on the impatient wings of desire, to his dear Nancy.

She, suspecting him to be a person of considerable property, from the specimen she had of his generosity, received him with every mark of endearment in her power. At the time Richard Ferguson became acquainted with her, she was the first favourite of several noted highwaymen and housebreakers, who, in turn, had all their favoured hours. While they could supply cash to indulge her in every species of luxury and extravagance, she would artfully declare no other man on earth shared her affections with them; but their money once expended, cold treatment, or perhaps worse, compelled them to hazard their lives for the purpose of again enjoying those favours which any thinking reasonable man would have spurned at.

Unfortunately for himself, Ferguson became as complete a dupe as ever she had ensnared. What money he possessed, what he could obtain by borrowing or otherwise, was all lavished on this insatiable female, and he was, after all, in danger of being discarded. He was a total stranger to her connections with the gentlemen of the road, though he knew she bestowed her favours on others.

Not able to bear the thoughts of entirely parting with his dear Nancy, he went to an inn in Piccadilly, offered himself as a postilion, and was accepted. Whenever

he could obtain a little money, he fled with impatience to his fair *Dulcinea*, and squandered it away in the same thoughtless manner.

As he drove post-chaises on the different roads round the metropolis, he frequently saw his rivals on the road gaily mounted and dressed. One day driving a gentleman on the north road, the chaise was stopped by the noted *Abershaw* and another, with crapes over their faces. *Abershaw* stood by the driver till the other went up to the chaise and robbed the gentleman. The wind being very high, blew the crape off his face, and gave *Ferguson* a full view of his face. They stared at each other; but, before a word could pass, some company coming up, the two highwaymen galloped off.

At this period *Ferguson* was under the frowns of his mistress, for want of money. They perfectly knew each other, from having often met together at *Nancy's*. *Abershaw* was very uneasy at the discovery, which he communicated to his companion. A consultation was immediately held, and it was resolved to wait at an inn on the road for the return of *Ferguson*, and bribe him, to prevent a discovery. They accordingly went to the inn, and when *Ferguson* came back, and stopped to water his horses, the waiter was ordered to send him in. After some conversation, *Dick* accepted of the present offered him, and agreed to meet them that night, to partake of a good supper.

With this fresh recruit of cash he fled to his *Nancy*.— But she being otherwise engaged, and not expecting him so soon to possess sufficient for her notice (being now acquainted with his situation in life) she absolutely refused to admit him, and shut the door in his face. Mad with the reception he had met with, he quitted the house, and resolved never to visit her more; which he strictly adhered to.

*Ferguson*, nettled to the soul, was proceeding homewards, when he met the highwayman who accompanied *Abershaw*, and went with him to the place of rendezvous in the Borough, where he was received by those assembled with every mark of attention. They supped sumptuously.

tuously, drank wine, and spent the time in noisy mirth. This exactly suited Ferguson; he joined in their mirth; and, when sufficiently elevated, very eagerly closed with a proposition to become one of their number. He was, according to their forms, immediately initiated.

When the plan of their next depredations on the public was settled, Ferguson was not immediately called into action, as it was suggested by one of the members, that he could be better employed in giving information at their rendezvous, of the departure of gentlemen from the inn where he lived, &c. whereby those who were most likely to afford a proper booty might be way-laid and robbed. This diabolical plan he followed too successfully for some time; taking care to learn from the drivers the time post-chaises were ordered from other inns, &c. He shared very often considerable sums, which he quickly squandered away in gambling, drunkenness, and debauchery.

At length he lost his place, and consequently his knowledge respecting travellers became confined, and he was obliged himself to go on the road. As a highwayman, he was remarkably successful. Of a daring disposition, he defied danger, and from his skill in horses, took care to provide himself with a good one, whereby he could effect his escape. Of this we shall mention one remarkable instance. Two others and himself stopped two gentlemen on the Edgeware road, and robbed them; soon after, three other gentlemen coming up, they pursued, and Ferguson's two companions were taken, tried, and executed. When his associates complimented him on his escape, he triumphantly asserted that he would gallop a horse with any man in the kingdom.

He now indulged himself in every excess: his amours were very numerous, particularly among those married women he could, by presents or otherwise, induce to listen to his brutal desires. He prevailed upon the wives of two publicans in the Borough to elope with him, and carried on several private intrigues with others.

At one of the last places in which he lived, he was

frequently employed to drive post-chaises between Hounslow and London, and notwithstanding he drove close by his old companion, Abershaw, where he hung in irons, it had no effect in altering his conduct.

We have now given a faithful detail of the early part of the life of this noted highwayman, and the manner of his first taking to the road. To follow him through the various wicked exploits in which he was afterwards engaged would require volumes to enumerate. We shall only briefly state, that he was concerned in a very great number of robberies, committed round this metropolis.

At the time that he lived at different inns, as a post-chaise driver, he went on the road, and kept up a connection with almost every infamous character of the day. He was concerned (as appeared by the evidence of an accomplice) with Middleton, Harper, &c. in the robbery at Brixton Causeway, in 1799, and most of the other robberies committed on that road.

He latterly became very infamous. He was repeatedly in custody at Bow-street; suspected with committing different highway robberies; he has been tried at the Old Bailey, but nothing could be properly brought home till the crime for which he suffered. He was apprehended by some patrols belonging to Bow-street, and taken to Bow-street; thence conveyed to Aylesbury, Bucks; and there tried and convicted of a highway robbery in that county.

When he found himself left for execution, he seriously prepared for his approaching end; and when he came to the fatal tree, met his awful fate with a becoming resignation.

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### HENRY COCK,

*Executed before Newgate, June 23, 1802, for Forgery.*

To the crime for which this young man suffered, was added a long series of duplicity and base ingratitude to his benefactor.

The late William Storey, Esq. rented the parsonage-house at Chatham, was rich, and having no children, appeared to have adopted him as his son. The return made to this protection was the commission of forgery, in order to rob his benefactor. His fate is still less deserving of commiseration, when we find that he had received every advantage from education, possessed a considerable knowledge for his years, and was in the profession of the law, as an attorney, at Brewershall.

At the early age of twenty-six, he was indicted for feloniously forging, on the 20th of April, 1802, three papers, purporting to be letters of attorney of William Storey, of Chatham, in the county of Kent, Esq. to transfer several sums of money in the stocks of the bank of England, and for uttering and making use of the same, knowing them to be forged.

His trial came on at the Old Bailey, before Lord Ellenborough, May 1, 1802, and occupied the greatest part of that day.

It appeared that the prisoner was a near relation to, and had received the dividends, as they became due, for Mr. Storey, who died August 14, 1801, leaving, as he thought, considerable sums in the three and four per cents. and 7000*l.* in the five, memorandums to that effect having been found by his executors among his papers.

Several persons to whom Mr. Storey had left different sums pressing for their legacies, Mr. Jefferies, the acting executor, drew up a kind of plan for discharging them; in which he appropriated the sums in the different funds for the payment of particular legacies, setting down 7000*l.* as in the five per cents. among the rest. Towards the end of November, this paper was shewn to, and copied by the prisoner, who was consulted by, and acted in town for the executor, and which copy was produced in Court.

So far from informing Mr. Jefferies at that time of there being no property in the five per cents. to answer the legacies he had set down against the 7000*l.* the prisoner sent two or three letters to persuade him not to sell it out till after Christmas, that they might have the benefit of



the dividend. This was acceded to by the executors, who, having left it beyond the time for that purpose, were at length determined to fulfil the provisions of the will ; but, on applying at the bank, they found, to their great astonishment, that the whole of the 7000*l.* in the five per cents. had been sold out at different periods, the last in the month of August, 1801, by the prisoner, under the pretended authority of a warrant of Mr. Storey.

This warrant was produced ; and Mr. Jefferies swore, to the best of his belief, the signature was not the handwriting of his deceased friend.

Mr. Storey's coachman, whose name was down as one of the subscribing witnesses, denied it to be his writing ; and added, that he never witnessed any paper for his late master during the number of years he had lived with him.

The name of Edward Bishop, described as a wharfinger at Rochester, appeared as another witness, according to the copy ; but it was deposed by the tax-gatherer, and other inhabitants of Rochester, that no person of that name and description had been known there for the last thirty years.

To prove that the prisoner had made use of this paper, and had actually by that means obtained the money, the transfer-books were produced, and the several clerks of the bank were called to prove the identity of his person.

Mr. Benjamin Cock, brother to the unfortunate prisoner, was one of Mr. Storey's executors ; and, for the purpose of justice, had the disagreeable task of appearing in Court. He said, he had received 175*l.* at different periods for dividends : but when asked if he had received that sum for dividend after Captain Storey's death, he said, " I found in the banker's book 175*l.* It was passed to my account without my knowledge."

The prisoner, in his defence, addressed the Court in the following elegant and able manner :

*" May it please your lordship, gentlemen of the jury,*  
*" Very little capable at any time of addressing a jury of my country, I am much less able to do so upon an awful occasion like the present ; yet I confess to you my*

feelings have been considerably relieved by the extreme liberal, and candid manner in which the gentlemen have conducted themselves towards me this day ; and I am the better enabled to address you, because the result of this inquiry is so different from that which has gone forth to the world, and is so inconsistent, that I humbly look with confidence to an honourable acquittal, and towards being restored by your verdict to society.

“ Gentlemen, you have an important duty to perform ; you have either to restore an individual to society, or to send him to certain death ; I may say certain death, because we all know that you are the dernier resort ; from your verdict there lies no appeal, and I am confident you will weigh it with judgment and with mercy, peculiarly in a case of this sort, where there is no ulterior resort whatever.

“ Gentlemen, I should not have the presumption to address you, if the law of the land had not prevented the learned gentleman, who has paid such unremitting attention to the case, from doing it for me ;—he could do me justice in much stronger terms than I can myself ; but when I look to the noble lord, who presides, and to you, gentlemen, I have nothing to fear : I trust you will allow for the inaccuracies of my speech, and that you will look at the case in all its bearings ; and if you are convinced, upon the evidence that has been adduced against me, I am guilty, let me be consigned over to the laws of my country ; but if the whole tenor of my life has been according to the rule of right, if I have continued to act upon the principles of honour and honesty, and if the evidence, as far as it has gone, has been consistent with that character which has been gone into, then, gentlemen, I feel confident in the event of your verdict.

“ Gentlemen, I did think, on the part of the prosecution, there would have been a clear consistent statement before you ; I should have thought, in charging me to have forged this power of attorney, that they would have begun at the foundation of the crime to shew that that power of attorney was forged ; they have shewn no such thing, or attempted it ; they ought to have gone on, and to have

shewn you that the power of attorney, in October, 1800, was a forgery; that they have not done. What is it we then come to? The power of attorney in April, which is charged to be the forgery, and we will go to the evidence on which it is founded. There is one thing before that, because the gentleman has been pleased to say, that it afforded some strong presumption, and I admit that suspicious circumstances have been laid before you, but unfortunately I have not the opportunity, by evidence, of completely elucidating them, but will say, it is bare statement; there is not positive evidence against me. I shall pass over all the different witnesses which have been called as to the entries in the bank books for form's sake, and will admit that there was such a sum as 7000*l.* sold out; the only questions you have to try, are, first, whether it was under a forged instrument; and, in the next place, whether, if it was a forged instrument, I was the perpetrator of it, or uttered it, knowing it to be forged.

“Gentlemen, the first material circumstance I shall observe upon, is this: I take it in all cases, it certainly is not possible to shew the perpetrator of the act; in this case they cannot, for it is impossible to shew the perpetration of the deed; in order to be convinced that an instrument of this sort is a forgery, you will first look to the signature of the party himself, and next to those of the attesting witnesses: what is the evidence? Taking the signatures first, I think it is clear, that I was in the habit of confidence sufficient to be entitled to receive under it; I think the gentlemen have produced to you a power of attorney, authorizing me to receive dividends upon the then stock, therefore you have it before you on the shewing of the prosecution, that I was in the confidence of the testator, and was allowed to receive his dividends; was it inconsistent, therefore, that he should allow me to sell it out when necessary? And here I must make an observation upon the evidence of Mr. Peckham, who said I had received the dividends on his stock, implying that stock was gone, though it will be found, through the whole transaction, his confidence had not been broken in upon.”

Mr. Garrow here interrupted the prisoner, saying, “It

is but justice, it will assist you, to declare, that respecting the servants of Mr. Storey, you conducted yourself with great fidelity." The prisoner thanked him for correcting him, saying, he might have mistaken the evidence. He then proceeded :

" Gentlemen, you have the evidence before you of Mr. Jefferys, that this hand-writing is not, in his opinion, the hand-writing of Mr. Storey ; there is not one other single witness, nor is there an iota of evidence before you, that it is my hand-writing. I will now resort to the attesting witnesses—the first is Robert Peckham ; he is called, and, from his appearance, he is little conversant in hand-writing ; he, however, denies that he attested it : you will recollect, that it is required at the foot of instruments of this sort, the parties should not merely subscribe their names, but their residence and professions ; these forms have been complied with : and I should like to know, if it is not the hand-writing of Peckham, why they have not brought you other evidence, to shew whose it is ; it is not the mere signature of Robert Peckham ; and it is possible for you to conceive, if they were written by me, that they would not have got persons to prove it was my writing ? They ought to have gone to that point, and shewn to you that it was not merely suspected to be a forgery, but that it was a forgery created by my hand ; they have attempted to effect it out of court, but they failed in effecting it in court.

" Gentlemen, Mr. Francis is asked whether there was one Edward Bishop living in Rochester ? he tells you there was not. I am not disposed to quarrel with that ; but the solicitors who conduct this prosecution were, so soon as the circuit was over, required to give me the names of the witnesses, which was refused, and which, if it had been complied with, I would not have been contented with calling a single tax-gatherer—I should not have stopped there—I should have sent down persons of diligence and activity, and if I found it was impossible to discover them, I should have put One Hundred Pounds Reward, in as large figures as they put for my apprehension, and called upon them, for the sake of public justice, to come and

speaking before you. On this part of the question, I think they have gone a very little way; they have given us very slight evidence indeed, and it merely depends upon the opinion of Mr. Jefferys, that this is not the hand-writing of Mr. Storey, who was a man afflicted with the gout, eighty years of age, and liable to a hundred variations in his hand-writing.

“ Gentlemen, the greater part of this case has been occupied by enquiring not so much whether it is a forgery or not, but with reading the correspondence between me and the executors, subsequent to the death of Mr. Storey, all tending to shew, most unquestionably, that there existed, at the period of Mr. Storey’s death, 7000*l.* stock. I do not mean to deny those representations; they are proved; I would have admitted them, if my counsel would have permitted me: it is unquestionably true, I have constantly admitted to the executors, that 7000*l.* was there, and have acted upon it as such, and if the thing had remained undiscovered till this moment, I should have continued to do so; but does that prove the charge? The question is, whether it be a forgery or not? Whether their confidence was broken in upon by the conduct I pursued, and not giving me an opportunity of replacing the money, which I acknowledge is converted; but I say, there is no proof of forgery, and you have a right to infer, from the confidence placed in me by Mr. Storey, with respect to his own dealings, that I might be authorized to transfer any of the stock, and I might have gone on representing it as still standing in the books, whereas it was not; for I wished to keep the deception up, and I did keep it up to the testator till his death.

“ Gentlemen, if there was any idea in my mind that I should be placed in this tremendous situation, is it possible, that on the 19th of August I should be at the Parsonage-house, and every where to be found, and my papers liable to be inspected by every body who chose—is it not more likely, that, after the death of Mr. Storey, I should have gone off with those funds which Mr. Jeffereys intrusted me with? The fact is this, and you ought to try that fact, Whether it be most consistent with

my representation, or with the representation made by the prosecution; then you ought to pause, and consider whether it is a forgery, and whether I am the perpetrator of it.

“ Gentlemen the probate of the will was produced to you, and I apprehend it may be read in evidence; I defy them to shew that any sum of 7000*l.* five per cents. is taken notice of by the testator by any one letter or declaration of the testator, that he had such stock, because it does not exist: they cannot prove it—they cannot shew it.

“ Gentlemen, there is another thing: when one of the witnesses was asked as to the testator’s hand-writing to this instrument, the learned judge was pleased to ask whether he spoke with as much certainty as the subject was capable of? Most undoubtedly, the witness did say, I speak with as much certainty as the subject is capable of.

“ Gentlemen, I have now given you a few observations, not with that ability with which they would have been given by my counsel, but in the best manner I am able, considering the agitation of my mind. Hasty, crude, and undigested as they are, arising from my unfortunate situation, I trust you will give such weight to them as you think they deserve. The correspondence between me and Mr. Storey is destroyed, and it is utterly impossible to shew his directions to me: you will give the due weight to the observations I have made, and it only remains with me to address you upon my character—that character has been in part given to you, and I flatter myself, those who will be seen here to day, will not diminish that which I have received; on that I am willing to go to a jury of my country, trusting my life in their hands, and to the law, perfectly satisfied that whatever they do, they will neither injure the one, nor sacrifice the other.”

Mr. Justice Mainwaring, Mr. Alderman Price, and several other persons in an equally respectable line of life, appeared to the prisoner’s character. The jury,

however, considered the fact as sufficiently proved to warrant their pronouncing a verdict of " Guilty."

His propriety of conduct, while under sentence in Newgate, was exceedingly praiseworthy. He was frequently cheerful, but never seemed to lose sight of the awful situation in which he stood.—If however, he appeared at one time more depressed than at another, it was after parting with a female with whom he had lived for a length of time. He was visited in his confinement by many persons of respectability. Mr. Mellish, the contractor, was one of his condoling friends. Mr. Tatlock was seldom away from him, and was the last friend he took leave of on the scaffold. The Rev. Dr. Parsons, of St. George's in the East, constantly attended him in his devotions, and took much pains to prepare his mind to meet the awful moment that awaited him. On the day previous to his execution, he wrote a letter to his brother, a respectable young man in the navy, requesting his company to sit up with him all night, which would be the last they would ever spend together; and his coming to him seemed to afford him much satisfaction. In the morning, when the farewell signal was given, a truly affecting scene took place between the two brothers; and, for the moment, Henry's spirit seemed to fail him; but when they were separated, he soon resumed his former composure. He was dressed in mourning on the morning of the execution; and underwent his dreadful fate in penitence, and with fortitude.

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### GEORGE FOSTER,

*Executed at Newgate, January 18, 1803, for the Murder of his Wife and Child, by Drowning them in the Paddington Canal; with a curious Account of Galvanic Experiments on his Body.*

THE unfortunate George Foster, whose conviction, as stated by the Lord Chief Baron in charging the jury, was

most entirely upon circumstantial evidence, was put upon his trial, on the horrid charge above-mentioned, at the Old Bailey, January 14, 1803.

The first witness was Jane Hobart, the mother of the deceased, who stated, that she lived in Old Boswell-court, and that for some time back, the deceased and her infant lived with her, but that she generally went on the Saturday nights to stay with the prisoner, who was her husband; that she left the witness for that purpose a little before four o'clock, on the evening of Saturday the 4th of December, taking her infant child with her; and that she never heard of her from that time until she was found drowned in the Paddington canal. The prisoner had four children by her daughter—the one above alluded to, another was dead, and two were in the work-house at Barnet.

Joseph Bradfield, at whose house the prisoner lodged, in North-row, Grosvenor-square, saw the deceased with him on the Saturday night of the 4th of December, and they went out together about ten o'clock on the Sunday morning. The prisoner returned by himself between eight and nine o'clock at night, which did not appear remarkable, as the deceased was not in the habit of sleeping there, except on the Saturday nights. This witness did not consider them to be on very good terms, arising, as he believed, from the deceased's wishing to live with the prisoner: she used to call at his lodgings once or twice in the week, besides the Saturdays, on which nights she always waited to get some money from him. On the Sunday following, the prisoner and another person went with the witness to see his mother at Highgate, and on their return, the prisoner asked if his wife had been at his lodgings; but which, on his cross-examination, he admitted might arise from his being surprised at her not coming as usual.

Margaret Bradfield, wife of the last witness, corroborated his testimony, with the addition, that on the Wednesday she saw the child which had been found in the Paddington canal, and which she was positive was the



same that the deceased had taken out with her on the Sunday morning.

Eleanor Winter, who kept what was usually called the Spotted Dog, but which is now called the Westbourne Green tavern, between two and three miles from Paddington, along the canal, swore that she perfectly recollected the prisoner coming to her house on the morning of the 5th of December, with a woman and a child with him: they staid at her house, where they had some beef-steaks, beer, and two glasses of brandy, till near one o'clock.—While they were there, she observed the woman to be crying, and heard her say, she had been three times there to meet a man who owed her husband some money, and that she would come no more. This witness had seen the body of the woman that was found in the canal, and she was certain of its being the same woman, who was with the prisoner at her house, on the above morning.

John Goff, waiter at the Mitre tavern, about two miles further on the canal, related, that the prisoner, with a woman and child, came to their house some time about two o'clock on Sunday the 5th of December: they had two quarterns of rum, two pints of porter, and went away about half past four. The Mitre is situated on the opposite side of the canal to the towing path; and when the prisoner and the woman went away, they turned towards London on that side of the canal, though there was no path-way, and it would take them at least a quarter of an hour to get to the first swing-bridge to cross over; there was a way to pass through a Mr. Fillingham's grounds, which would lead them to the Harrow-road, and which he believed to be much nearer than the side of the canal: but then persons going that way got over the hedge, and he perceived from the kitchen window where he was standing, the prisoner and the woman go beyond that spot. They had no clock in the house, but he had no doubt as to the time, from its being very near dark when they went away. On being questioned by one of the jury, he said, that besides the place to which he alluded for passing through Mr. Fillingham's ground,

there was a gate about one hundred yards farther on, and to which the prisoner and woman had not got over when he lost sight of them.

Hannah Patience, the landlady of the Mitre tavern, recollected seeing the prisoner there on Sunday, Dec. 5, with a woman and child: they had been there a good while before she saw them. She served them with a quart of rum, and they had a pint of beer after it. They left the Mitre about half past four, as far as she could judge from the closing of the evening, for they had no clock. She also recollected Sarah Daniels coming to buy a candle to take to her master: they were then gone, and as they were going out, the woman threw her gown over the child, saying, "This is the last time I shall come here." In a minute or two the prisoner came back to look for the child's shoe, which could not be found, and then followed the woman. This witness took no particular notice of them, but thought she had seen them at her house two or three times before.

Sarah Daniels, aged nine years, was examined by the court as to her knowledge of the sanctity and solemnity of an oath, and being satisfied with her answers, she was sworn, and said, that she met a man following a woman with a child, walking by the canal, as she was going from Mr. Fillingham's to the Mitre; and, from the circumstance of its being near their time of drinking tea, she was sure that it could not want much of five o'clock.

Charles Weild, a shopmate of the prisoner, stated, that he met him a little after six o'clock, in Oxford-street, on the evening of Sunday the 5th of December, and that they went together to the Horse Grenadier public-house, where they continued till after eight.

John Atkins, a boatman employed on the canal, said, about eight o'clock, on the morning of Monday, he found a child's body, under the bow of the boat, at the distance of a mile from the Mitre; that in consequence of some directions which he received from Sir Richard Ford, he dragged the canal for three days, on the last of which close under the window of the Mitre, he pulled up the woman's body, entangled in a loose bush. He had before

then felt something heavy against the drag, at near 200 yards towards London from the house, but he could not ascertain whether that was the body or not.

Sir Richard Ford produced the examination which the prisoner signed at Bow-street office, after being questioned as to its being the truth, and cautioned as to the consequences it might produce. The account which the prisoner then gave was as follows :

“ My wife and child came to me on Saturday se’nnight, about eight o’clock in the evening, and slept at my lodgings that night. The next morning, about nine or ten o’clock, I went out with them, and walked to the New Cut at Paddington; we went to the Mitre tavern, and had some rum, some porter, and some bread and cheese. Before that we had stopped at a public-house near the first bridge, where we had some beef steaks and some porter; after which she desired me to walk further on by the cut, so I went with her. I left her directly I came out of the Mitre tavern, which was about three o’clock, and made the best of my way to Whetstone, in order to go to Barnet, to see two of my children, who are in the workhouse there. I went by the bye lanes, and was about an hour and a half walking from the Mitre to Whetstone. When I got there, I found it so dark that I would not go on to Barnet, but came home that night. I have not seen my wife nor child since; I have not enquired after them, but I meant to have done so to-morrow evening, at Mrs. Hobart’s.—I came home from Whetstone that evening between seven and eight o’clock; I saw no person in going to Whetstone; nor did I stop any where, at any public-house, or elsewhere, *except the Green Dragon, at Highgate, where I had a glass of rum.\** My wife had a black gown on, and a black bonnet; the child had a straw bonnet, and white bedgown. My wife was a little in liquor.

(Signed)

“ GEORGE FOSTER.

“ Witness, Richard Ford,  
December 27, 1802.”

\* The words in Italic were interlined, and the latter part added at the prisoner’s request.

“ Prisoner says, before he left the Mitre Tavern, on the said Sunday his wife asked the mistress of the inn whether she could have a bed there that night, which the prisoner afterwards repeated ; that she asked half a crown for one, which the prisoner and his wife thought too much, and the latter said she would go home to her mother.”

The latter part of this was positively contradicted by the landlady, not a single word about a bed having passed between her and the deceased.

W. Garner, a shopmate of the prisoner, called upon him at the Brown Bear, in Bow-street, after he was taken into custody ; to whom the prisoner said, he was as innocent of the charge as the child unborn ; and that if any one would come forward to say, or swear, that he was at such a place on that night, he should be cleared immediately. The witness understood him to refer to the Green Dragon, at Highgate.

James Bushwell, a coachmaker, declared, that the prisoner was one of the most diligent men he had ever employed ; and, from his having so very good an opinion of him, on hearing he was in custody, he went himself to see if he could render him any service ; that upon his making that offer, the prisoner replied, that if it was not too much trouble, he would thank him to go to the Green Dragon, at Highgate, and enquire if a man was not there on the Sunday evening, who had a glass of rum, and asked after Mrs. Young : with which he complied ; but, as the rules of evidence would not admit of Mr. Bushwell's giving the answer,

Elizabeth Southall, who keeps the Green Dragon, was called, who said she perfectly recollected such a circumstance, but she could not exactly say what Sunday it was ; and, besides, the man who did so enquire, had a woman with an infant in her arms with him, and to whom the man turned round and said, That is Bradfield's mother.

The prisoner made no other defence than contradicting some parts of the evidence of the waiter at the Mitre.

George Hodgson, Esq. coroner of the county, and

before whom an inquest on these bodies had been taken, said there was not the least mark of violence upon either the woman or the child ; of course, the report of the latter's arm being broken was false.

From being acquainted with the place, he was examined particularly as to the way through Mr. Fillingham's grounds, and which he affirmed to be far the nearest way to town. He could not undertake to say what the actual distance from the Mitre to Whetstone was, but he was sure it could not be less, even through the lanes and over the fields, than seven or eight miles, and about the same distance from Whetstone to town.

Four witnesses were called to the prisoner's character, who all agreed in his being an industrious and humane man.

The Chief Baron, in summing up to the jury, said, that this was a case which almost entirely depended upon circumstances, but in some cases that might be best evidence, as it was certainly the most difficult, if not impossible, to fabricate ; they, however, would deliberately judge how far they brought the charge home to the prisoner, so as not to leave a doubt on their minds before they pronounced him guilty. His lordship noticed some inconsistencies in the written paper which the prisoner had signed, observing, that in one part of the story the prisoner was contradicted by several witnesses ; and that it was scarcely to be presumed that the prisoner could walk such a distance (from the Mitre to Whetstone) in so short a time. There were other traits of the story which were also extremely dubious. The learned judge then went through the whole of the evidence, remarking thereon as he proceeded ; and the jury, after some consultation, pronounced a verdict of guilty.

This was no sooner done, than the Recorder proceeded to pass sentence upon the prisoner ; which was, that he be hanged by the neck, next Monday morning, until he be dead, and that then his body be delivered to be anatomized, according to the law in that case made and provided.

This unfortunate malefactor was executed pursuant to

his sentence, January 18, 1803. At three minutes after eight he appeared on the platform before the debtor's door in the Old Bailey, and after passing a short time in prayer with Dr. Ford, the ordinary of Newgate, the cap was pulled over his eyes, when the stage falling from under him, he was launched into eternity.

When he ascended the platform his air was dejected in the extreme; and the sorrow manifested in his countenance depicted the inward workings of a heart conscious of the heinous crime he had committed, and the justness of his sentence.

From the time of his condemnation to the moment of his dissolution, he had scarcely taken the smallest nourishment; which, operating with a tortured conscience, had so enfeebled him, that he was obliged to be supported from the prison to the gallows, being wholly incapable of ascending the staircase without assistance. Previous to his decease, he fully confessed his having perpetrated the horrible crime for which he suffered:—confessed that he had unhappily conceived a most inveterate hatred for his wife, that nothing could conquer, and determined him to rid himself and the world of a being he loathed:—acknowledged also, that he had taken her twice before to the Paddington canal, with the wicked intent of drowning her, but that his resolution had failed him, and she had returned unhurt; and even at the awful moment of his confession, and the assurance of his approaching dissolution, he seemed to regret more the loss of his infant, than the destruction of the woman he had sworn to cherish and protect. He was questioned, as far as decency would permit, if jealousy had worked him to the horrid act; but he made no reply, except saying, that “he ought to die;” and dropped into a settled and fixed melancholy, which accompanied him to his last moments. He was a decent looking young man, and wore a brown great coat, buttoned over a red waistcoat, the same in which he was tried.

He died very easy; and, after hanging the usual time, his body was cut down, and conveyed to a house not far distant, where it was subjected to the Galvanic process,

by Professor Aldini, under the inspection of Mr. Keate, Mr. Carpue, and several other professional gentlemen. M. Aldini, who is the nephew of the discoverer of this most interesting science, shewed the eminent and superior powers of Galvanism to be far beyond any other stimulant in nature. On the first application of the process to the face, the jaws of the deceased criminal began to quiver, and the adjoining muscles were horribly contorted, and one eye was actually opened. In the subsequent part of the process, the right hand was raised and clenched, and the legs and thighs were set in motion.\* Mr. Pass, the beadle of the surgeons' company, having been officially present during this experiment, was so alarmed, that he died soon after his return home of the fright. Some of the uninformed bystanders thought that the wretched man was on the eve of being restored to life. This, however, was impossible, as several of his friends, who were under the scaffold, had violently pulled his legs, in order to put a more speedy termination to his sufferings. The experiment, in fact, was of better use and tendency. Its object was to shew the excitability of the human frame, when this animal electricity is duly applied. In cases of drowning or suffocation, it promises to be of the utmost use, by reviving the action of the lungs, and thereby rekindling the expiring spark of vitality. In cases of apoplexy, or disorders of the head, it offers also most encouraging prospects for the benefit of mankind.

The professor, we understand, has made use of Galvanism also in several cases of insanity, and with com-

\* An experiment was made on a convict, named Patrick Redmond, who was hanged for a street-robbery, on the 24th of February, 1767, in order to bring him to life. It appears that the sufferer had hung twenty-eight minutes, when the mob rescued the body, and carried it to an appointed place, where a surgeon was in attendance to try the experiment *bronchotomy*, which is an incision in the wind-pipe, and which in less than six hours produced the desired effect. A collection was made for the poor fellow, and interest made to obtain his pardon. For it will be remembered, that the law says, the condemned shall *hang until he is dead*; consequently men, who, like Redmond, recovered, are liable to be again hanged up until they are dead.

plete success. ' It is the opinion of the first medical men, that this discovery, if rightly managed and duly prosecuted, cannot fail to be of great, and perhaps, as yet, unforeseen, utility.

COLONEL EDWARD MARCUS DESPARD,  
JOHN FRANCIS, JOHN WOOD, THOMAS  
BROUGHTON, JAMES SEDWICK WRAT-  
TON, ARTHUR GRAHAM, and JOHN MAC-  
NAMARA,

*Executed in Horsemonger-Lane, Southwark, February  
21, 1803, for High Treason.*

IN passing sentence on these criminals, Lord Ellenborough made the following observation: " Such disclosures have been made, as to prove, beyond the possibility of doubt, that the objects of your atrocious, abominable, and traitorous conspiracy, were to overthrow the government, and to seize upon and destroy the sacred person of our august and reverend Sovereign, and the illustrious branches of his royal house."

If such were the objects aimed at by these men, as the noble and learned lord declared to have been the case, it was certainly the most vain and impotent attempt ever engendered in the distracted brain of an enthusiast. Without arms, or any probable means, a few dozen men, the very dregs of society, led on by a disappointed and disaffected chief, were to overturn a mighty empire; nor has it yet, now more than twelve years have past, appeared that any man of their insignificant band of conspirators, Colonel Despard alone excepted, was above the level of the plebeian race. Yet so it was, that a small party of this description, seduced to disloyalty, by a contemptible leader, brooding over their vain attempts at a mean public-house in St. George's Fields, alarmed the nation.

Colonel Despard, the ill-fated leader of these mis  
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guided men, was descended from a very ancient and respectable family, in the Queen's County, in Ireland. He was the youngest of six brothers, all of whom, except the eldest, had served their country, either in the army or navy.

In 1766, he entered the army as an ensign, in the 5th regiment; in the same regiment he served as a lieutenant, and in the 79th he served successively, as lieutenant, quarter-master, captain-lieutenant, and captain. From his superior officers he received many marks of approbation, particularly from general Calcraft, of the 50th, general Meadows, and the duke of Northumberland. He had been for the last twenty years detached from any particular corps, and entrusted with important offices.

In 1779, he was appointed chief engineer to the St. Juan expedition, and conducted himself so as to obtain distinguished attention and praise.

He also received the thanks of the council and assembly of Jamaica, for the construction of public works there, and was, in consequence of these services, appointed by the governor of Jamaica, to be commander in chief of the island of Rattan, and its dependencies, and of the troops there, and to rank as lieutenant-colonel and field-engineer, and commanded, as such, on the Spanish-main, in Rattan, and on the Musquito shore, and Bay of Honduras.

After this, at Cape Gracios a Dios, he put himself at the head of the inhabitants, who voluntarily solicited him to take the command, and retook from the Spaniards Black River, the principal settlement of the coast. For this service he received the thanks of the governor, council, and assembly of Jamaica, and of the king himself.

In 1783, he was promoted to the rank of colonel.

In 1784, he was appointed first commissioner for settling and receiving the territory ceded to Britain, by the sixth article of the definitive treaty of peace with Spain, in 1783.

He so well discharged his duty as a colonel, that he was appointed superintendant of his Majesty's affairs, on the coast of Honduras, which office he held much to the

advantage of the crown of England for he obtained from that of Spain some very important privileges. The clashing interests, however, of the inhabitants of this coast, produced much discontent, and the colonel was, by a party of them, accused of various misdemeanours to his Majesty's ministers.

He now came home, and demanded that his conduct should be investigated ; but, after two years' constant attendance on all the departments of government, was at last told by the ministers, that there was no charge against him worthy of investigation, and that his Majesty had thought proper to abolish the office of superintendant at Honduras, otherwise he should have been reinstated in it ; but he was then, and on every occasion, assured, that his services should not be forgotten, but in due time meet their reward.

While in the Bay of Honduras the colonel married a native of that place.

The colonel, it seems, irritated by continual disappointments, began now to vent his indignation in an unguarded manner ; consequently he became a suspicious character, and was for some time a prisoner in Coldbath-fields, under the act, then lately passed, which empowered ministers to keep in confinement all suspected characters.

Imprisonment increased the rancour of his heart, and on his liberation he could not conceal his malignancy towards government. Thus inflamed, he endeavoured to inflame others, and at length brought upon himself, and those poor ignorant wretches who were seduced by his arguments, disgrace and death.

On the 16th of November, 1802, in consequence of a search-warrant, a numerous body of the police-officers went to the Oakley-arms, Oakley-street, Lambeth, where they apprehended colonel Despard, and near forty labouring men and soldiers, many of them Irish. The next morning they were all brought up before the magistrates at Union-hall. The result of the examination was, that colonel Despard was committed to the county gaol, and afterwards to Newgate ; twelve of his low associates (six

of whom were soldiers) were sent to Tothill-fields Bridewell, and twenty to the New Prison, Clerkenwell. Ten other persons, who had been found in a different room, and who appeared to have no concern whatever with the colonel's party, were instantly discharged.

The colonel's conduct, during all his examinations, was invariably the same: he was silent during the whole.

The privy council, the more effectually to try the prisoners, issued a special commission.

The trial of colonel Despard came on on Monday the 7th of February. The indictment, which consisted of three counts, having been read, the prosecution was opened by the attorney-general, who, in a very eloquent and impartial manner, laid before the jury the whole of the charges.

The prisoner, Edward Marcus Despard, with the other prisoners, William Lander, Thomas Broughton, John Macnamara, James Wratten, John Wood, John Francis, Arthur Graham, Thomas Newman, and Daniel Tyndall, &c. formed a society at the Oakley-arms, in the parish of St. Mary, Lambeth. The most active members were Francis and Wood, and their drift was to overturn the government.

His Majesty having intended to meet his parliament a week earlier than he actually did (on the 16th of January, instead of the 23d,) they designed on that day to carry into effect their plan, by laying restraint upon the king's person, and destroying him. They frequently attempted to seduce soldiers into the association, in which they sometimes succeeded, and sometimes failed. Francis administered unlawful oaths to those that yielded, and among others to Blades and Windsor, giving them at the same time two or three copies of the oath, that they might be enabled to make proselytes in their turn.

Windsor, soon after becoming dissatisfied, gave information of the conspiracy to a Mr. Bonus, and shewed him a copy of the oath. This gentleman advised him to continue a member of the association, that he might learn whether there were any persons of consequence engaged in it.

On the Friday before the intended assassination of his Majesty, a meeting took place, when Broughton prevailed upon two of the associates to go to the Flying Horse, Newington, where they would meet with a *nice man*, which *nice man*, as he styled him, was the prisoner Despard.

The first witness was John Stafford, clerk to the magistrates of Union-hall, who apprehended colonel Despard, as before stated. There were about thirty persons in the room, and they were all, except the colonel, of the lowest class, and very meanly dressed.

The printed papers found in the room were then produced and read, consisting of the form of the oath, &c. This witness's evidence was corroborated by the depositions of other constables who had accompanied him.

Thomas Windsor, the chief witness, declared the manner in which he took the oath, and the plan of the conspiracy. Having mentioned the intended mode of proceeding, he said the prisoner observed that the attack should be made on the day when his Majesty should go to the parliament-house, and that his Majesty must be put to death; at the same time the prisoner said, "I have weighed the matter well, and my heart is callous!"

After the destruction of the king, the mail-coaches were to be stopped, as a signal to the people in the country, that the revolt had taken place in town. The prisoner then desired the witness to meet him the ensuing morning, at half past eleven o'clock, on Tower-hill, and to bring with him four or five intelligent men, to consider upon the best manner for taking the Tower, and securing the arms. The witness accordingly met him at the Tyger public-house, on Tower-hill, having brought with him two or three soldiers. The prisoner now repeated his declaration, that the king must be put to death; and Wood promised, when the king was going to the house, he would post himself as century over the great gun in the park; that he would load it, and fire at his Majesty's coach as he passed through the park.

The several meetings, consultations, &c. were further

proved by William Campbell, Charles Reed, Joseph Walker, Thomas Blades, and other witnesses.

Mr. Serjeant Best, in behalf of the prisoner, dwelt upon the incredibility of the witnesses. They were characters of no worth; and he urged that the printed papers which were found were not sufficiently proved to be connected with the prisoner; that the scheme was too romantic ever to be seriously imagined; there were no arms—not a pike, a pistol, or a rusty musket; in fact, the attempts of the heroes of the Oakley-arms, as set forth, far exceeded all the wild sallies of Don Quixote.

Lord Nelson gave a most excellent character of the prisoner. They were on the Spanish main together—they served together; and he declared him to have been a loyal man, and a good officer. On cross-examination his lordship said, he had not seen him since the year 1780.

Sir Alured Clarke, and Sir Evan Nepean, bore testimony of his having been a zealous officer.

Mr. Gurney, the other counsel for the prisoner, addressed the jury in an able speech; and the solicitor-general having replied on the part of the crown, Lord Ellenborough began to sum up nearly as follows:

*“ Gentlemen of the Jury,*

“ The prisoner stands charged with high treason, of three sorts, not very different in their nature.—First, for compassing the death of the king—next, for compassing to seize his person—and thirdly, for conspiring to depose him. The first of these is treason by the statute of Edward III. The two last, by a recent statute of the present reign. Eight distinct overt acts are stated as evidences of this intention.

“ Gentlemen, the overt acts are the holding conversations for effecting those malignant purposes of the heart. The defendant’s counsel say, that the proof consists only of words, and that it cannot be treason. If it consisted only of loose words, the ebullition of an irritated or crazy mind, it would not be treason, because it would be too much to infer such a purpose as the destruction of the

king from words so spoken. But when words are spoken at a public meeting, and addressed to others, exciting and persuading them to that purpose, it never was doubted by any one English lawyer; it never will be doubted, but that they amount to treason. Another subject upon which I wish to say a few words is, the nature of evidence by accomplices. That he is a competent witness, upon whose testimony you may found a conclusion, cannot be doubted. If it were not so, it would be a dereliction of duty in the judges sitting here, and those who have formerly sat in courts of justice, not to have repelled such witnesses from the oath, and have told the jury that they were not fit to be credited. But they are always received; and although sullied with the contamination of the crime which they imputed to others, they are credible, though their testimony must be received with caution."

His lordship here read, verbatim, the whole of the evidence taken throughout the day.

"Now, gentlemen, this is the whole evidence; see how it applies to the charge—First, with respect to an overt act committed within the county; it is proved at the Oakley-arms, and at the Flying Horse—that point of law is therefore satisfied. The only remaining consideration is, whether you will believe the evidence of Blades, Windsor, Emblyn, and Francis, or any of them. You have heard the high character given of the prisoner by a man, on whom to pronounce an eulogium were to waste words, but you are to consider whether a change has not taken place since the period he speaks of."

The jury, after about half an hour's conversation, returned the verdict "Guilty," but earnestly recommended him to mercy on account of his former good character, and the services he had rendered his country.

The prisoner, during the whole of his trial, appeared very composed, nor did he exhibit any marks of agitation when the verdict was turned.

On the following Wednesday, February 9, the trial of the other prisoners took place, when the same circumstances, by chiefly the same witnesses, being repeated,

nine (already named) out of twelve were found guilty, three of whom were recommended to mercy.

The usual question was then asked each separately, "What he had to say that sentence should not be pronounced?" When colonel Despard remarked, that he had been tried and convicted on the evidence of such men as ought not to be listened to; he was charged with seducing certain soldiers—nothing could be more false; he declared he never had the smallest conversation with them on the subject.

Lord Ellenborough, in a style of awful solemnity highly befitting the melancholy but just occasion, addressed the prisoner nearly to the following purport:—"You, (calling each prisoner separately by name) have been separately indicted for conspiring against his Majesty's person, his crown, and government, for the purposes of subverting the same, and changing the government of this realm. To this indictment you have pleaded "Not guilty," and put yourselves for trial by God and your country, which country has found you guilty. After a long, patient, and I hope, just and impartial trial, you have been all of you severally convicted, by a most respectable jury of your country, upon the several crimes laid to your charge. In the course of evidence upon your trial, such disclosures have been made, as to prove, beyond the possibility of doubt, that the objects of your atrocious and traitorous conspiracy were, to overthrow the government, and to seize upon and destroy the sacred persons of our august and revered sovereign, and the illustrious branches of his royal house, which some of you, by the most solemn bond of your oath of allegiance, were pledged, and all of you, as his Majesty's subjects, were indispensibly bound, by your duty, to defend; to overthrow that constitution, its established freedom, and boasted usages, which have so long maintained among us that just and rational equality of rights, and security of property, which have been for so many ages the envy and admiration of the world; and to erect upon its ruins a wild system of anarchy and bloodshed, having for its object the subversion of all property,

and the massacre of its proprietors; the annihilation of all legitimate authority and established order—for such must be the import of that promise held out by the leaders of this atrocious conspiracy, of ample provision for the families of “those heroes who should fall in the struggle.” The more effectually to ensure success in those evil machinations, and to encourage those who were to be seduced to their support, endeavours have been made by you and your accomplices, to seduce from their allegiance to their sovereign the soldiers of his Majesty; endeavours which, though they appear to have been in too many instances successful, yet I hope falsely said to be in that extent stated in evidence. Equally false, I hope, has been another assertion, that two-thirds of the inhabitants of this country were ready for a change, and prepared to support and adopt such measures as were likely to be most effectual for obtaining it; a change, by which no less was contemplated than the subversion of all the sources of law, order and public justice, and the substitution of massacre, anarchy, and all their dire effects. It has, however, pleased that Divine Providence, which has mercifully watched over the safety of this nation, to defeat your wicked and abominable purpose, by arresting your projects in their dark and dangerous progress, and thus averting that danger which your machinations had suspended over our heads; and by your timely detection, seizure, and submittal to public justice, to afford time for the many thousands of his Majesty’s innocent and loyal subjects, the intended victims of your atrocious and sanguinary purpose, to escape that danger which so recently menaced them, and which, I trust, is not yet become too formidable for utter defeat. Happily for the families and persons of thousands of your wicked and deluded accomplices, your detection has in time, I hope, served to avert the calamities in which they would have inevitably involved themselves, as well as their innocent fellow-citizens. The vigilance of that government, unceasingly directed to the public security, was not to be eluded by the dark and mysterious secrecy under which



you endeavoured to make your wicked designs. Your very endeavours to propagate and promote your projects have been the sources of your defeat; and thus it has happened, that when you imagined your vile purposes to be nearest their completion, they have been fortunately discovered by the very means through which you intended to put them in execution; and thus the intended victims, who were on the eve of being involved in all the horrors of your projects, have fresh cause to acknowledge with gratitude the goodness of that all-provident God, who has thus timely, and I hope, for ever, put a stop to your diabolical plans. As to you, deluded victims of a desperate and abandoned conspiracy, before I conclude the awful task which remains for me to perform, I wish to say a few words to you on the enormity of those crimes which have brought you to your present melancholy and ignominious situation. And first, you, Edward Marcus Despard, in whom the dignified pride of birth, the advantages of a liberal education, and the habits of intercourse in that rank in which your conduct was once so highly honourable, and from whom the testimony borne of your former conduct, by the honourable companions of your earlier pursuits, adduced in this court as witnesses for your character, should have induced us to expect widely different conduct and principles. How grossly have you misapplied and abused the talents and opportunities which you enjoyed for honourable distinction in society! and how have you degraded yourself to the association of those unfortunate and wretched companions, by whom you are now surrounded, in whose ignominious fate you so justly share, but who are the unhappy victims of your seductive persuasion and example! I do not wish, at this awful moment, to urge any thing to you and the degrading companions by whom you are surrounded, to sharpen the bitterness of your feelings, under the ignominy of your fate, but I would most earnestly and sincerely wish to impress your mind, during the short period of your remaining life, with a due sense of your awful situation, and of the criminal conduct which has involved you in your present ignominious fate; I would earnestly

intreat you zealously to endeavour to subdue the callous insensibility of heart, in which, in an ill-fated moment, you have boasted, and regain that sanative affection of the mind, which may prepare your soul for that salvation which, by the infinite mercy of God, I beseech of that God you may obtain.

“ And as to you, unhappy prisoners, the wretched victims of his seduction and example, to what a dreadful and ignominious fate have you brought yourselves, and what sorrow and affliction have been entailed upon your wretched families, by the atrocity of your crimes, and your purposed and sanguinary attempts to subvert that happy constitution and government, under the mild protection of which you might still have continued to pursue industrious avocations, and enjoy with comfort the fruits of your honest and peaceful labours; and the unexampled mildness and merciful tendency of whose laws you have this day experienced in a long, patient, fair, and most impartial trial, before that respectable and discerning jury, who have convicted you on the most uncontroverted evidence of your guilt.

“ May the awful and impressive example of your untimely fate prove a warning to your wicked associates and accomplices in every quarter of this realm, and induce them to abandon those machinations which have brought you to this disgraceful catastrophe! May they learn to avoid your fate, by cultivating the blessings of that constitution which you have calumniated and endeavoured to subvert, and by pursuing their honest and industrious avocations, and avoiding political cabals and seditious conspiracies.

“ The only thing remaining for me is the painful task of pronouncing against you, and each of you, the awful sentence which the law denounces against your crime, which is, that you, and each of you, (here his lordship named the prisoners severally,) be taken from the place from whence you came, and from thence you are to be drawn on hurdles to the place of execution, where you are to be hanged by the neck, but not until you are dead. for while you are still living, your bodies are to be taken

down, your bowels torn out and burnt before your faces; your heads are to be then cut off, and your bodies divided each into four quarters, and your heads and quarters to be then at the king's disposal; and may the Almighty God have mercy on your souls!"

On Saturday afternoon, Feb. 19, was received the information that the warrant for execution, to take place on the following Monday was made out, which contained a remission of part of the sentence, viz. the taking out and burning their bowels before their faces, and dividing their bodies. It was sent to the keeper of the New-Gaol in the Borough at six o'clock on Saturday evening, and included the names already given.

The three other prisoners, Newman, Tyndall, and Lander, were respited. As soon as the warrant for execution was received, it was communicated to the unhappy persons by the keeper of the prison, Mr. Ives, with as much tenderness and humanity as the awful nature of the case required.

Colonel Despard observed, that the time was short; yet he had not had, from the first, any strong expectation that the recommendation of the jury would be effectual. The mediation of Lord Nelson, and a petition to the crown, were tried; but Colonel Despard was convinced, according to report, that they would be unavailing.

Soon after the warrant was received, all papers, and every thing he possessed, were immediately taken from the colonel.

Mrs. Despard was greatly affected when she first heard his fate was sealed, but afterwards recovered her fortitude. The colonel and his lady supported themselves with great firmness at parting; and when she got into a coach, as it drove off, she waved her handkerchief out of the window.

The other prisoners bore their fate with equal hardihood, but conducted themselves with less solemnity than the colonel. Their wives, &c. were allowed to take a farewell of them on the same day, and the scene was truly distressing!

At day-light' on Sunday morning, the drop, scaffold, and gallows, on which they were to be executed, were erected on the top of the gaol. All the Bow-street patrol; and many other peace-officers, were on duty all day and night, and the military near London were drawn up close to it.

Mrs. Despard, after having taken leave of her husband, at three in the afternoon, came again at five o'clock; but it was thought adviseable to spare the colonel the pangs of a second parting, and she was therefore not admitted into the prison. She evinced some indignation at the refusal, and expressed a strong opinion with respect to the cause for which her husband was to suffer. After she had left the colonel at three o'clock, he walked up and down his cell for some time, seemingly more agitated than he had been at the period of taking leave of his wife.

Between six and seven in the evening, he threw himself on the bed, and fell into a short sleep. At eight he awoke, and addressed one of the officers of the prison, who was with him, in these words: "Me—they shall receive no information from me—no, not for all the gifts, the gold, and jewels in the possession of the crown!" He then composed himself, and remained silent.

Seven shells or coffins were brought into prison to receive the bodies, and two large bags filled with saw-dust, and the block on which they were to be beheaded. At four o'clock the next morning, February 21, the drum beat at the Horse-guards, as a signal for the cavalry to assemble.

At six o'clock the Life-guards arrived, and took their station at the end of the different roads at the Obelisk, in St. George's-fields; whilst all the officers from Bow-street, Queen-square, Marlborough-street, Hatton garden, Worship-street, Whitechapel, Shadwell, &c. &c. attended. There were parties of the Life-guards riding up and down the roads.

At half-past six the prison bell rang—the signal for unlocking the cells. At seven o'clock, five of them, viz. Broughton, Francis, Graham, Wood, and Wrattton, went

into the chapel, with the Rev. Mr. Winkworth. They attended to the prayers with great earnestness, but at the same time without seeming to lose that firmness they had displayed since their trial. Before they received the sacrament, four of them confessed they had done wrong, but not to the extent charged against them by the evidence. The fifth, Graham, said he was innocent of the charges brought against him, but had attended two meetings, the second at the instigation of Francis.

For some time the clergyman refused to administer the sacrament to Francis, because he persisted in declaring he had been guilty of no crime. The clergyman said to him, "You admit you attended meetings." He replied, "Yes."—"You knew they were for the purpose of overturning the constitution of the country. I by no means wish you to enter into particulars. I only wish you to acknowledge generally." Francis answered, "I admit I have done wrong in attending those meetings." The clergymen then asked each of them, how they found themselves? Francis, Wood, Broughton, and Wrattton, said, "They were never happier in their lives." Graham remained silent. The sacrament was then administered to them.

Colonel Despard and Macnamara were then brought down from their cells, their irons knocked off, and their arms bound with ropes. The sheriff asked colonel Despard if he could render him any service. The colonel thanked him, and replied that he could not.

Upon the colonel coming out, he shook hands very cordially with his solicitor, and returned him many thanks for his kind attention. Then observing the sledge and apparatus, he smilingly cried out, "Ha! ha! what nonsensical mummery is this!"

Notice was now given to the sheriff, that they were ready. The colonel, who stood the first, retired behind, and mentioned to Francis, who was making way for him, to go before him. The hurdle being a body of a small cart, on which two trusses of clean straw were laid, was drawn by two horses.

When the awful procession began, which was at half

past eight o'clock precisely, Macnamara was the first that came out.

Colonel Despard was the last that appeared. He was dressed in a blue double-breasted coat, with gilt buttons, cream-coloured waistcoat, with narrow gold lace binding; a flannel inside vest with scarlet top turned over; grey breeches, long boots, and a brown sturtout. He stepped into the hurdle with much fortitude, having an executioner on the right and on the left, and on the same seat, with naked cutlasses. He was thus conducted to the outer lodge, whence he ascended the stair-case leading to the place of execution.

As soon as the prisoners were placed on the hurdle, St. George's bell tolled for some time. They were preceded by the Sheriff, Sir R. Ford, the clergyman, Mr. Winkworth, and the Roman catholic clergyman, Mr. Griffith.

The coffins, or shells, which had been previously placed in a room under the scaffold, were then brought up and placed on the platform, on which the drop was erected; the bag of saw-dust to catch the blood when the heads were severed from the bodies, were placed beside them. The block was near the scaffold. There were about a hundred spectators on the platform, among whom were some characters of distinction. The greatest order was observed.

Macnamara was the first on the platform; and when the cord was placed round his neck, he exclaimed, "Lord Jesus, have mercy upon me! O Lord, look down with pity upon me!" The populace were much struck by his appearance. Graham came second; he looked pale and ghastly, but spoke not. Wratten was the third; he ascended the scaffold with much firmness. Broughton, the fourth, who joined in prayer, with much earnestness. Wood was the fifth, and Francis, the sixth. They were all equally composed.

Colonel Despard ascended the scaffold with great firmness, and his countenance underwent not the slightest change while the awful ceremony of fastening the rope round his neck; and placing the cap on his head, was

performing: he even assisted the executioner in adjusting the rope; he looked at the multitude assembled with perfect calmness.

The clergyman, who ascended the scaffold after the prisoners were tied up, spoke to him a few words as he passed: the colonel bowed, and thanked him. The ceremony of fastening the prisoners being finished, the colonel advanced, as near as he could, to the edge of the scaffold, and made the following speech to the multitude:

*“ Fellow Citizens,*

“ I come here, as you see, after having served my country—faithfully, honourably, and usefully served it, for thirty years and upwards, to suffer death upon a scaffold for a crime of which I protest I am not guilty. I solemnly declare that I am no more guilty of it than any of you, who may be now hearing me. But though his Majesty’s ministers know as well as I do that I am not guilty, yet they avail themselves of a legal pretext to destroy a man, because he has been a friend to truth, to liberty, and justice——” [There was a considerable huzza from part of the populace the nearest to him, but who, from the height of the scaffold from the ground, could not, for a certainty, distinctly hear what was said. The colonel proceeded]——“ because he has been a friend to the poor and distressed. But, citizens, I hope and trust, notwithstanding my fate, and the fate of those who no doubt will soon follow me, that the principles of freedom, of humanity, and of justice, will finally triumph over falsehood, tyranny, and delusion, and every principle hostile to the interests of the human race. And now, having said this, I have little more to add——” [The colonel’s voice seemed to falter here—he paused a moment, as if he had meant to say something more, and had forgotten it.] He then concluded in the following manner; “ I have little more to add, except to wish you all health, happiness, and freedom, which I have endeavoured, as far as was in my power, to procure for you, and for mankind in general.”

The colonel spoke in a firm and audible tone of voice : he left off sooner than was expected. There was no public expression, either of approbation or disapprobation, given when he had concluded his address.

As soon as the colonel had ceased speaking, the clergyman prayed with five of the prisoners.

However, to the very last, colonel Despard obstinately refused all clerical assistance, nor would he even join in the Lord's Prayer. The executioner pulled the caps over the faces of the unhappy persons, and descended the scaffold. Most of them exclaimed, " Lord Jesus, receive our souls !"

At seven minutes before nine o'clock the signal was given, the platform dropped, and they were all launched into eternity !

After hanging about half an hour, till they were quite dead, they were cut down. Colonel Despard was first cut down, his body placed upon the saw-dust, and his head upon a block : after his coat and waistcoat had been taken off, his head was severed from his body by persons engaged on purpose to perform that ceremony. The executioner then took the head by the hair, and carrying it to the edge of the parapet on the right hand, held it up to the view of the populace, and exclaimed, " This is the head of a traitor, Edward Marcus Despard." The same ceremony was performed on the parapet at the left hand.

His remains were now put into the shell that had been prepared for him.

The other prisoners were then cut down, their heads severed from their bodies, and exhibited to the populace, with the same exclamation of " This is the head of another traitor." The bodies were then put into their different shells, and delivered to their friends for interment.

Colonel Despard hung at the right extremity, and Macnamara at the left ; the others were placed as they are named in the head of our case.

It was the criminal law of England taking its most awful course in defence of the mildest constitution that



the universe can boast! Some of the most sanguinary forms on this dreadful occasion were dispensed with, to abate the parade of national vengeance.

The execution was over by ten o'clock, and the populace soon after dispersed quietly.

The body of colonel Despard was taken away on the first of March, by his friends, with a hearse and three mourning coaches, and interred near the north door of St. Paul's cathedral.

The city-martial was present, lest there should be any disturbance on the occasion.

The remains of the other six were deposited in one grave, in the vault under the Rev. Mr. Harper's chapel, in the London-road, St. George's-fields.

### STEPHEN STILWELL,

*Executed on the top of the New Gaol, Southwark, March 26, 1803, for the Murder of his Wife.*

STEPHEN STILWELL, a publican at the Three Jolly Gardeners at Mortlake, was tried for the murder of his wife, September 28, 1802, at the Surrey assizes held at Kingston, before Mr. Justice Heath, Thursday, March 24, 1803.

Mr. Nolan, who appeared as counsel for the prosecution, stated, that the prisoner at the bar stood indicted for a crime, which must be the offspring of a most abandoned and cruel disposition. He had for some time lived as a gardener in the family of a gentleman at Mortlake; and the woman, whom he had murdered, also lived as servant in that family; he therefore had every opportunity of being acquainted with her temper and manners previous to his taking her for his wife. They were married from that place, and took a public-house at Mortlake. It would not be regular for him to detail the various instances of cruelty which he had exercised towards his wife, except as connected with the present

charge; but he should prove that he frequently declared he would murder her. On the 28th; he quarrelled with his wife, and turned her from the kitchen to the bar, telling her that was her place, and added, "It was no matter, for she had but a few days to live." On the 27th, in the evening, they were seen together, by two lodgers in the house, sitting in the bar, and apparently in amity; but the next morning he perpetrated the horrid crime. It would also appear that he had attempted another mode of death, for a loaded pistol was found lying by her, the lock of which was down, as though the trigger had been drawn, and it had missed fire. The learned counsel dwelt upon the aggravated circumstances of this crime, in which the foul crime of murder was rendered more heinous, by being against a wife whom he had solemnly sworn, at God's altar, to cherish and protect.

John Ward deposed as follows: "I am a baker, and live near Stilwell's house. On the 28th of September, 1802, about five o'clock, I got up to work. I was disturbed with a noise, and I went to the gate. I heard a noise in Stilwell's room. I heard his voice. He was saying, 'Come, get up, your time is expired.' I stood a little time, and heard a scream. Mrs. S. said, 'My dear Stilwell, don't murder me.' When I heard that, I went to an opposite window where I knew a soldier lay, and called him up. In about ten minutes I saw the prisoner come out of doors at the front door; but before I saw him, I heard a stamping on the floor of the prisoner's room. Soon after I saw the prisoner run out of the front door. He ran away, and I followed him. In about a minute I came up. Knight, a man I had called on passing by, first laid hold of him. His hands and clothes were sprinkled with blood. We bound him with a cord, and I left him in custody of Benjamin Knight. On cross-examination the witness said, that when he heard the stamping, he also heard the prisoner exclaiming, 'that he had gained his liberty;' and when he came out, he said, 'D—n that house, set it on fire,' (meaning his own house.)"

Benjamin Knight deposed—"I was called by the last witness; I was going by the house, and listened at the window. I heard two or three groans, and heard the prisoner saying, that 'he had gained his liberty.' I then went into the yard; and, as there was a table under the window, I got upon it, in order to look in at the window; and then I heard a person quit the room, and run down stairs. I immediately went round, and saw Stilwell come out of the front door; his clothes were all bloody. I and another man went up stairs, and saw the deceased on the ground. The floor was over my shoes in blood, near the deceased's head. I immediately ran down, and pursued the prisoner. Mr. Ward came to my assistance, and we overtook him. He struck me several times: when we found him, he appeared collected. He asked me to slacken the cords, and not to hurt him."

Charles Barwood said, "he was a carpenter, and lodged at the prisoner's house. On the 28th of September, in the morning, he heard a noise in the prisoner's room: the witness slept in a room not far from the prisoner's room. He heard the noise of a person apparently singing. He then heard Mrs. Stilwell screaming out, 'Oh, Stilwell! dear Stilwell!' Then he heard a loud knocking, and the prisoner singing, 'You have given me such liberty.' He dressed himself, came down, and was going out at the back-door. "I saw," said he, "Stilwell at the foot of the stairs, but I did not observe his dress at that time. As I went round the house, I saw him come out of the front door; his face was bloody, and he said, 'd—n, do you set fire to that house.' I went up stairs with Benjamin Knight. Mrs. S. was lying on the floor, with her head all beat to pieces. A pistol was lying near. I saw the prisoner and his wife about eight or nine o'clock the preceding evening in the bar together, and they seemed very comfortable."

William Bardolph lodged in Stilwell's house, and slept with the last witness; he heard the noise on the morning of the 28th. It came from Stilwell's room: he heard him singing, and presently after the woman screaming out. Stilwell was singing, "I have gained my sweet

liberty." We went down, and Stilwell came down swearing after us. We went out (said the witness) at the back door: he went out at the front door, and said, "Set the house on fire." He accompanied the last witness to the room, and described the state of the deceased as the last witness had done.

John Davis a surgeon at Mortlake, stated that he was sent for in consequence of the murder of the deceased. He examined the body, and found she had been killed by several violent blows which she had received; a great portion of her brains had been forced out on the right side of her head. He found a pistol, the handle of which was broke, and covered with blood and brains—(here the prisoner fainted away.) It was produced in court.

Elizabeth Carter, servant of the prisoner, had lived with him three weeks on the day of the murder: he appeared always sensible, but frequently said he would murder her.

The prisoner, in his defence, only said, that he did not know what he did; his mind was much distressed by her aggravating temper.

Mr. Serjeant Best, for the defence, called one witness of the name of Brown. He stated, that the week before the murder he was with Stilwell in his garden. He did not then seem to know what he was about: he cut down his French beans, and pruned away all his rose-trees. Brown asked him to go and have a pint of porter with him; but Stilwell said, he would not drink, and he never wished to go into his house again, for they all made him miserable.

Mr. Justice Heath said, the only question for the jury was, whether they could possibly infer insanity; for that was the defence insinuated by the last witness. It appeared to him, that the prisoner had worked himself up to a frenzy of passion, so as not to know what he was about; but that was not insanity. Men must restrain the turbulence of their passions, or answer the consequences. It seemed that the galling yoke which had wrought him to the commission of this desperate

deed, was the unhappiness of domestic circumstances; but that was not insanity. Insanity was a bodily disease, and did not originate in ill temper and passion. If, therefore, they found that the fact arose from a criminal indulgence of the passions, they must find him guilty.

The jury, without any hesitation, returned a verdict of "Guilty."

The greater part of the trial the prisoner was perfectly calm; but just as the verdict was given, he became dreadfully agitated, and could scarcely be supported.

The learned judge, observing that the prisoner was not in a condition to profit by admonition from his agitation, immediately passed sentence.

At nine o'clock he came on the scaffold, preceded by the under-sheriff and the gaoler. As soon as he came up, and saw the fatal beam, he fell on his knees in a state of the utmost agony. The executioner immediately proceeded to do his duty, in affixing the halter round his neck. On being addressed by Mr. Winkworth, the chaplain, he seemed to resume his fortitude, and prayed for near a quarter of an hour. At the departure of the clergyman, the cap was pulled over his eyes; when he fervently exclaimed, "Lord be merciful to me, a sinner;" which he continued repeating till the fall of the drop put an end to his existence. He had previously taken the sacrament in the chapel, and conducted himself in the most penitent manner possible, acknowledging the crime for which he suffered, and hoping that his death would be a warning to others not to give way to their passions. After hanging the usual time, his body was cut down, and delivered to the surgeons for dissection.

## JOHN HATFIELD,

(THE KESWICK IMPOSTOR,)

*Executed at Carlisle, September 3, 1803, for Forgery, with particulars of the once celebrated "Beauty of Buttermere," a victim to his villainy.*

THE subject of our present consideration (who had latterly acquired the appellation of the Keswick Impostor,) and whose extraordinary villainy excited universal hatred was born in the year 1759, at Mortram, in Longdale, Cheshire, of low descent, but possessing much natural abilities. His face was handsome, the shape of which, in his youth, was oval, his person genteel, his eyes blue, and his complexion fair.

After some domestic depredations (for, in his early days, he betrayed an iniquitous disposition,) he quitted his family, and was employed in the capacity of a rider to a linen-draper in the north of England. In the course of this service, he became acquainted with a young woman, who was nursed, and resided at a farmer's house in the neighbourhood of his employer. She had been, in her earlier life, taught to consider the people with whom she lived as her parents. Remote from the gaieties and follies of what is so idly denominated polished life, she was unacquainted with the allurements of fashion, and considered her domestic duties as the only object of her consideration. When this deserving girl had arrived at a certain age, the honest farmer explained to her the secret of her birth: he told her, that notwithstanding she had always considered him as her parent, he was in fact only her poor guardian, and that she was the natural daughter of lord Robert Manners, who intended to give her one thousand pounds, provided she married with his approbation.

This discovery soon reached the ears of Hatfield: he immediately paid his respects at the farmer's, and having represented himself as a young man of considerable ex-

pectations in the wholesale linen business, his visits were not discountenanced. The farmer, however, thought it incumbent on him to acquaint his lordship with a proposal made to him by Hatfield, that he would marry the young woman, if her relations were satisfied with their union, but on no other terms. This had so much the appearance of an honourable and prudent intention, that his lordship, on being made acquainted with the circumstances, desired to see the lover. He accordingly paid his respects to the noble and unsuspecting parent, who conceiving the young man to be what he represented himself, gave his consent at the first interview; and, the day after the marriage took place, presented the bridegroom with a draft on his banker for 1500*l*. This transaction took place about the year 1771 or 1772.

Shortly after the receipt of his lordship's bounty, Hatfield set off for London; hired a small phaeton; was perpetually at the coffee-houses in Covent-garden; described himself to whatever company he chanced to meet, as a near relation of the Rutland family; vaunted of his parks and hounds; but as great liars have seldom good memories, he so varied in his descriptive figures, that he acquired the appellation of *lying Hatfield*.

The marriage portion now exhausted, he retreated from London, and was scarcely heard of until about the year 1782, when he again visited the metropolis, having left his wife with three daughters she had borne to him, to depend on the precarious charity of her relations. Happily she did not long survive; and the author of her calamities during his stay in London, soon experienced calamity himself, having been arrested, and committed to the King's Bench prison for a debt, amounting to the sum of 160*l*. Several unfortunate gentlemen, then confined in the same place, had been of his parties when he flourished in Covent-garden, and perceiving him in great poverty, frequently invited him to dinner; yet such was the unaccountable disposition of this man, that notwithstanding he knew there were people present who were thoroughly acquainted with his character, still he would continue to describe his Yorkshire park, his estate in

Rutlandshire, settled upon his wife, and generally wind up the whole with observing how vexatious it was to be confined at the suit of a paltry tradesman for so insignificant a sum, at the very moment when he had thirty men employed in cutting a piece of water near the family mansion in Yorkshire.

At the time Hatfield became a prisoner in the King's Bench, the late unfortunate Valentine Morris, formerly governor of the island of St. Vincent, was confined in the same place. The gentleman was frequently visited by a clergyman of the most benevolent and humane disposition. Hatfield soon directed his attention to this good man, and one day earnestly invited him to attend him to his chamber. After some preliminary apologies, he implored the worthy pastor never to disclose what he was going to communicate. The divine assured him, the whole should remain in his bosom. "Then," said Hatfield, "you see before you a man nearly allied to the house of Rutland, and possessed of estates (here followed the old story of the Yorkshire Park, the Rutlandshire property, &c. &c. ;) yet notwithstanding all this wealth, (continued he,) I am detained in this wretched place, for the insignificant sum of one hundred and sixty pounds. But the truth is, Sir, I would not have my situation known to any man in the world but my worthy relative, his Grace of Rutland. Indeed, I would rather remain a captive for ever. But, Sir, if you would have the goodness to pay your respects to this worthy nobleman, and frankly describe how matters are, he will at once send me the money by you, and this mighty business will not only be instantly settled, but I shall have the satisfaction of introducing you to a connection which may be attended with happy consequences."

The honest clergyman readily undertook the commission; paid his respects to the Duke, and pathetically described the unfortunate situation of his amiable relative. His Grace of Rutland, not recollecting at the moment such a name as Hatfield, expressed his astonishment at the application. This reduced the worthy divine to a very awkward situation, and he faltered in his speech



when he began making an apology; which the Duke perceiving; he very kindly observed, that he believed the whole was some idle tale of an impostor, for that he never knew any person of the name mentioned, although he had some faint recollection of hearing Lord Robert, his relation, say that he had married a natural daughter of his to a tradesman in the north of England, and whose name he believed was Hatfield.

The reverend missionary was so confounded that he immediately retired, and proceeded to the prison, where he gave the impostor, in the presence of Mr. Morris, a most severe lecture. But the appearance of this venerable man as his friend had the effect which Hatfield expected; for the Duke sent to inquire if he was the man that married the natural daughter of lord Robert Manners, and, being satisfied as to the fact, dispatched a messenger with 200*l.* and had him released.

In the year 1784, or 1785, his Grace of Rutland was appointed Lord Lieutenant of Ireland, and shortly after his arrival in Dublin, Hatfield made his appearance in that city. He immediately, on his landing, engaged a suite of apartments at a hotel in College-green, and represented himself as nearly allied to the Viceroy, but that he could not appear at the castle until his horses, servants, and carriages, were arrived, which he ordered, before his leaving England, to be shipped at Liverpool. The easy and familiar manner in which he addressed the master of the hotel, perfectly satisfied him that he had a man of consequence in his house, and matters were arranged accordingly. This being adjusted, Hatfield soon found his way to Lucas's coffee-house, a place which people of a certain rank generally frequent; and, it being a new scene, the Yorkshire park, the Rutlandshire estate, and the connections with the Rutland family, stood their ground very well for about a month.

At the expiration of this time, the bill at the hotel amounted to sixty pounds and upwards. The landlord became importunate, and after expressing his astonishment at the non-arrival of Mr. Hatfield's domestics, &c. requested he might be permitted to send in his bill. This

did not in the least confuse Hatfield: he immediately told the master of the hotel, that very fortunately his agent, who received the rents of his estates in the north of England, was then in Ireland, and held a public employment; he lamented that his agent was not then in Dublin: but he had the pleasure to know his stay in the country would not exceed three days. This satisfied the landlord, and, at the expiration of the three days, he called upon the gentleman, whose name Hatfield had given him, and presented the account. Here followed another scene of confusion and surprise. The supposed agent of the Yorkshire estate very frankly told the man who delivered the bill, that he had no other knowledge of the person who sent him than what common report furnished him with, that his general character in London was that of a romantic simpleton, whose plausibilities had imposed on several people, and plunged himself into repeated difficulties.

The landlord retired highly thankful for the information, and immediately arrested his guest, who was lodged in the prison of the Marshalsea. Hatfield had scarcely seated himself in his new lodgings, when he visited the jailor's wife in her apartment, and, in a whisper, requested of her not to tell any person that she had in her custody a near relation of the then Viceroy. The woman, astonished at the discovery, immediately shewed him into the best apartment in the prison, had a table provided, and she, her husband, and Hatfield, constantly dined together for nearly three weeks, in the utmost harmony and good humour.

During this time he had petitioned the duke for another supply, who, apprehensive that the fellow might continue his impositions in Dublin, released him, on condition of his immediately quitting Ireland; and his Grace sent a servant, who conducted him on board the packet that sailed the next tide for Holyhead.

In 1792 he came to Scarborough, introduced himself to the acquaintance of several persons of distinction in that neighbourhood, and insinuated that he was, by the interest of the duke of Rutland, soon to be one of the

representatives in parliament for the town of Scarborough. After several weeks stay at the principal inn at Scarborough, his imposture was detected by his inability to pay the bill. Soon after his arrival in London he was arrested for this debt, and thrown into prison. He had been eight years and a half in confinement, when a Miss Nation, of Devonshire, to whom he had become known, paid his debts, took him from prison, and gave him her hand in marriage.

Soon after he was liberated, he had the good fortune to prevail with some highly respectable merchants in Devonshire to take him into partnership with them, and with a clergyman to accept his drafts to a large amount. He made, upon this foundation, a splendid appearance in London, and, before the general election, even proceeded to canvass the rotten borough of Queenborough. Suspicions in the mean time arose, in regard to his character, and the state of his fortune. He retired from the indignation of his creditors, and was declared a bankrupt in order to bring his villainies to light. Thus having left behind his second wife and two infant children, at Tiverton, he visited other places; and at length, in July, 1802, arrived at the Queen's-head, in Keswick, in a carriage, but without any servant, where he assumed the name of the honourable Alexander Augustus Hope, brother of the earl of Hopetoun, and member for Linlithgow. Unfortunately some evil genius directed his steps to the once happy cottage of poor Mary, the daughter of Mr. and Mrs. Robinson, an old couple, who kept a small public-house at the side of the beautiful lake of Buttermere, Cumberland, and had by their industry gained a little property. She was the only daughter, and probably her name had never been known to the public, but for the account given of her by the author of "A Fortnight's Ramble to the Lakes in Westmoreland, Lancashire, and Cumberland." He now became acquainted with an Irish gentleman, and member of the then Irish parliament, who had been resident with his family some months at Keswick. With this gentleman, and under his immediate protection, there was likewise a young lady of family

and fortune, and of great personal attraction. One of the means which Hatfield used to introduce himself to this respectable family was the following:—Understanding that the gentleman had been a military man, he took an army list from his pocket, and pointed to his assumed name, the honourable Alexander Augustus Hope, lieutenant-colonel of the 14th regiment of foot. This new acquaintance daily gained strength; and he shortly paid his addresses to the daughter of the above gentleman, and obtained her consent. The wedding clothes were bought; but, previously to the wedding-day being fixed, she insisted that the pretended colonel Hope should introduce the subject formally to her friends. He now pretended to write letters, and, while waiting for the answers, proposed to employ that time in a trip to lord Hopetoun's seat, &c.

From this time he played a double game; his visits to Keswick became frequent, and his suit to the young lady assiduous and fervent. Still, however, both at Keswick and Buttermere, he was somewhat shy of appearing in public. He was sure to be engaged in a fishing expedition on the day on which any company was expected at the public-house at Buttermere; and he never attended the church at Keswick but once.

Finding his schemes baffled to obtain this young lady and her fortune, he now applied himself wholly to gain possession of Mary Robinson. He made the most minute inquiries among the neighbours into every circumstance relating to her and her family, and at length the pretended colonel Hope, in company with the clergyman, procured a licence on the 1st of October, and they were publicly married in the church of Lorton, on Saturday, the 2d of October.

On the day previous to his marriage, he wrote to Mr. —, informing him, that he was under the necessity of being absent for ten days on a journey into Scotland, and sent him a draft for thirty pounds drawn on Mr. Crumpt, of Liverpool, desired him to cash it, and pay some small debts in Keswick with it, and send him over the balance, as he feared he might be short of cash

on the road. This Mr. ——— immediately did, and sent him ten guineas in addition to the balance. On the Saturday, Wood, the landlord of the Queen's Head, returned from Lorton with the public intelligence, that colonel Hope had married the Beauty of Buttermere. As it was clear, whoever he was, that he had acted unworthily and dishonourably; Mr. M——'s suspicions were of course awakened. He instantly remitted the draft to Mr. Crumpt, who immediately accepted it. Mr. M——, the friend of the young lady, whom he first paid his addresses to, wrote to the earl of Hopetoun. Before the answer arrived, the pretended honourable returned with his wife to Buttermere. He went only as far as Longtown, when he received two letters, seemed much troubled that some friends whom he expected had not arrived there, stayed three days, and then told his wife that he would again go back to Buttermere. From this time she was seized with fears and suspicions. They returned, however, and their return was made known at Keswick. The late Mr. Harding the barrister, and a Welch judge, and a very singular man, passing through Keswick, heard of this impostor, and sent his servant over to Buttermere with a note to the supposed colonel Hope, who observed, "that it was a mistake, and that the note was for a brother of his." However, he sent for four horses, and came over to Keswick; drew another draft on Mr. Crumpt, for twenty pounds, which the landlord at the Queen's Head had the courage to cash. Of this sum he immediately sent the ten guineas to Mr.——, who came and introduced him to the judge, as his old friend Colonel Hope. But he made a blank denial that he had ever assumed the name. He had said his name was Hope, but not that he was the honourable member for Linlithgow, &c. &c. and one who had been his frequent companion, his intimate at Buttermere, gave evidence to the same purpose.

In spite, however, of his impudent assertions, and those of his associate, the evidence against him was decisive. A warrant was given by Sir Frederick Vane on the clear proof of his having forged and received several

franks as the member for Linlithgow, and he was committed to the care of a constable. Having, however, found means to escape, he took refuge for a few days on board a sloop off Ravingass, and then went in the coach to Ulverstone, and was afterwards seen at the hotel in Chester. In the mean time the following advertisement, setting forth his person and manners, was in the public prints:—

**“ NOTORIOUS IMPOSTOR, SWINDLER, AND  
FELON!**

“ John Hatfield, who lately married a young woman, commonly called the Beauty of Buttermere, under an assumed name: height about five feet ten inches: aged about forty-four; full face, bright eyes, thick eyebrows, strong but light beard, good complexion, with some colour; thick, but not very prominent nose, smiling countenance, fine teeth, a scar on one of his cheeks near the chin, very long thick light hair, and a great deal of it grey done up in a club: stiff square shouldered, full breast and chest, rather corpulent, and strong limbed, but very active; and has rather a spring in his gait, with apparently a little hitch in bringing up one leg; the two middle fingers of his left hand are stiff from an old wound; he has something of the Irish brogue in his speech: fluent and elegant in his language, great command of words, frequently puts his hand to his heart; very fond of compliments, and generally addressing himself to persons most distinguished by rank or situation; attentive in the extreme to females, and likely to insinuate himself where there are young ladies. He was in America during the war: is fond of talking of his wounds and exploits there, and of military subjects, as well as of Hatfield Hall, and his estates in Derbyshire and Cheshire; and of the antiquity of his family, whom he pretends to trace to the Plantagenets. He makes a boast of having often been engaged in duels: he has been a great traveller also, by his own account, and talks of Egypt, Turkey, and Italy; and, in short, has a general knowledge of subjects, which, together with his engaging manners, is

well calculated to impose on the credulous. He had art enough to connect himself with some very respectable merchants in Devonshire, as a partner in business, but having swindled them out of large sums, he was made a separate bankrupt in June, 1802. He cloaks his deceptions under the mask of religion, appears fond of religious conversation, and makes a point of attending divine service and popular preachers."

Though he was personally known in Cheshire to many of the inhabitants, yet this specious hypocrite had so artfully disguised himself, that he quitted the town without any suspicion, before the Bow-street officers reached that place in quest of him. He was then traced to Brieth in Brecknockshire, and was at length apprehended about sixteen miles from Swansea, and committed to Brecon jail. He had a cravat on, with his initial, J. H. which he attempted to account for by calling himself John Henry.

Before the magistrates he declared himself to be Tudor Henry; and, in order to prepossess the honest Cambrians in his favour, boasted that he was descended from an ancient family in Wales, for the inhabitants of which country he had ever entertained a sincere regard. He was, however, conveyed up to town by one of the Bow-street officers, where he was examined on his arrival before the magistrates. The solicitor for his bankruptcy attended to identify his person, and stated, that the commission of bankruptcy was issued against Hatfield in June, 1802; that he attended the last meeting of the commissioners, but the prisoner did not appear, although due notice of the bankruptcy had been given in the *gazette*, and he himself had given a personal notice to the prisoner's wife, at Wakefield, near Tiverton, Devon. Mr. Parkyn, the solicitor to the post-office, produced a warrant from sir Fletcher Vane, Bart. a magistrate for the county of Cumberland, against the prisoner, by the name of the hon. Alexander Augustus Hope, charging him with felony, by pretending to be a member of parliament of the United Kingdom, and franking several letters by the name of A. Hope, to several persons, which

were put into the post-office at Keswick, in Cumberland, in order to evade the duties of postage. Another charge for forgery, and the charge of bigamy, were explained to him, but not entered into, as he was committed for trial for these charges at the next assizes at Carlisle. He conducted himself with the greatest propriety during his journey to town, and on his examination; but said nothing more than answering a few questions put to him by sir Richard Ford and the solicitors. He was then dressed in a black coat and waistcoat, fustian breeches, and boots, and wore his hair tied behind without powder. His appearance was respectable, though quite in deshabille. The duke of Cumberland, and several other gentlemen, were present at his examination; in the course of which the following letter was produced:

“ *Keswick, October the 1st, 1802.*

*John Crumpt, Esq. Liverpool.*

*Free, A Hope.*

“ *Buttermere, Oct. 1, 1802,*

“ DEAR SIR,

“ I have this day received Mr. Kirkman's kind letter from Manchester, promising me the happiness of seeing you both in about ten days, which will indeed give me great pleasure; and you can, too, be of very valuable service to me at this place, particulars of which when we meet, though I shall probably write to you again in a few days—the chief purpose for which I write this is to desire you will be so good as to accept a bill for me, dated Buttermere, the 1st of October, at ten days, and I will either give you cash for it here, or remit it to you in time, which ever way you please to say. It is drawn in favour of Nathaniel Montgomery More, Esq. Be pleased to present my best respects to your lady; and say I hope, ere the winter elapses, to pay her my personal respects; for if you will manage so as to pass a little



time with me in Scotland, I will promise to make Liverpool in my way to London.

“ With the truest esteem,

“ I am, dear sir,

“ Your’s ever,

“ A. HOPE.”

This letter, it was proved, passed free of postage. Another letter was also produced from his wife at Tiverton, and a certificate of his marriage with Mary of Buttermere. His trial came on August 15, 1803, at the assizes for Cumberland, before the Honourable Alexander Thompson, Knt. He stood charged upon the three following indictments :

1. With having assumed the name and title of the Hon. Alexander Augustus Hope, and pretending to be a member of parliament of the United Kingdom of Great Britain and Ireland ; and with having, about the month of October last, under such false and fictitious name and character, drawn a draft, or bill of exchange, in the name of Alexander Hope, upon John Crumpt, Esq. for the sum of 20*l.* payable to George Wood, of Keswick, Cumberland, inn-keeper, or order, at the end of fourteen days from the date of the said draft or bill of exchange.

2. With making, uttering, and publishing as true, a certain false, forged, and counterfeit bill of exchange, with the name of Alexander Augustus Hope thereunto falsely set and subscribed, drawn upon John Crumpt, Esq. dated the 1st of October, 1802, and payable to Nathaniel Montgomery More, or order, ten days after date, for 30*l.* sterling.

3. With having assumed the name of Alexander Hope, and pretending to be a member of parliament of the United Kingdom of Great Britain and Ireland, the brother of the right hon. Lord Hopetoun, and a colonel in the army ; and under such false and fictitious name and character, at various times in the month of October, 1802, having forged and counterfeited the hand-writing of the said Alexander Hope, in the superscription of certain letters or packets, in order to avoid the payment of the duty on postage.

The prisoner pleaded not guilty to the charge.

The three several indictments being read, Mr. Scarlet opened the case in an address to the jury : and gave an ample detail of the prisoner's guilt.

In support of what he had advanced he called Mr. Quick, who was clerk in the house at Tiverton, where Hatfield was partner, who swore to his hand-writing.

The Rev. Mr. Nicholson swore that when the prisoner was asked his name, he said it was a comfortable one, Hope. The other witnesses were Mr. Joseph Skelton, of Rockliffe, Cumberland; Mr. George Wood of Keswick, innkeeper; John Gregory Crumpton, and colonel Parke, who was well acquainted with the real colonel Hope.

The evidence for the prosecution having closed, the prisoner then addressed himself to the jury. He said he felt some degree of satisfaction in being able to have his sufferings terminated, as they must of course be by their verdict. For the space of nine months he had been dragged from prison to prison, and torn from place to place, subject to all the misrepresentations of calumny. "Whatever will be my fate," said he, "I am content; it is the award of justice, impartially and virtuously administered. But I will solemnly declare, that in all my transactions, I never intended to defraud or injure the persons whose names have appeared in the prosecution. This I will maintain to the last of my life."

The prisoner called in his defence — Newton, attorney, at Chester; who said he was employed by the prisoner in the summer assizes in recovering an estate in the county of Kent. He understood the prisoner's father to be a respectable man; some of the family very opulent. Believes the prisoner has a mother-in-law; says the prisoner is married; never knew him to bear any other name than John Hatfield; he married a lady of the name of Nation. His assignees have sold the estate in question. Witness knows nothing of his circumstances previous to the recovery of the estate. It was rented at 100*l.* per annum. Does not know why the prisoner

quitted Devonshire. Did not then travel in his own carriage, but formerly kept a carriage.

After the evidence was gone through, his lordship, sir A. Thompson, with a great deal of perspicuity and force, summed up the whole of the evidence, and commented upon such parts as peculiarly affected the fate of the prisoner. "Nothing," his lordship said, "could be more clearly proved than that the prisoner did make the bill or bills in question under the assumed name of Alexander Augustus Hope, with an intention to defraud. That the prisoner used the additional name of Augustus was of no consequence in this question. The evidence proved clearly that the prisoner meant to represent himself to be another character; and under that assumed character, he drew the bills in question. If any thing should appear in mitigation of the offences with which the prisoner was charged, they must give them a full consideration; and though his character had been long shaded with obloquy, yet they must not let this in the least influence the verdict they were sworn to give."

The jury consulted about ten minutes, and then returned a verdict—Guilty of Forgery.

The trial commenced about eleven o'clock in the forenoon, and ended about seven in the evening, during the whole of which time the court was excessively crowded. The prisoner's behaviour in court was proper and dignified, and he supported his situation from first to last with unshaken fortitude. He employed himself during the greatest part of his trial in writing notes on the evidence given, and in conversing with his counsel, Messrs. Topping and Holroyd.

When the verdict of the jury was given, he discovered no relaxation of his accustomed demeanour. After the court adjourned, he retired from the bar, and was ordered to attend the next morning to receive the sentence of the law. The crowd was immense, and he was allowed a post chaise from the Town-hall to the gaol.

At eight o'clock the next morning, the court met again, when the prisoner appeared at the bar to receive his sentence. Numbers of people gathered together to witness

this painful duty of the law passed upon one whose appearance, manners, and actions, had excited a most uncommon degree of interest. After proceeding in the usual form, the judge addressed the prisoner in the following impressive terms :

“ John Hatfield, after the long and serious investigation of the charges which have been preferred against you, you have been found guilty by a jury of your country—

“ You have been distinguished for crimes of such magnitude as have seldom, if ever, received any mitigation of capital punishment, and in your case it is impossible it can be limited. Assuming the person, name, and character, of a worthy and respectable officer, of a noble family in this country, you have perpetrated and committed the most enormous crimes. The long imprisonment you have undergone has afforded time for your serious reflection, and an opportunity of your being deeply impressed with a sense of the enormity of your crimes, and the justice of that sentence which must be inflicted upon you ; and I wish you to be seriously impressed with the awfulness of your situation. I conjure you to reflect with anxious care and deep concern on your approaching end, concerning which much remains to be done. Lay aside now your delusions and imposition, and employ properly the short space you have to live. I beseech you to employ the remaining part of your time in preparing for eternity, so that you may find mercy at the hour of death, and in the day of judgment. Hear now the sentence of the law :—That you be carried from hence to the place from whence you came, and from thence to the place of execution, and there to be hanged by the neck till you are dead, and may the Lord have mercy on your soul !”

A notion very generally prevailed that he would not be brought to justice, and the arrival of the mail was daily expected with the greatest impatience. No pardon arriving, Saturday, September 3, 1803, was at last fixed upon for the execution.

The gallows was erected the preceding night between twelve and three, in an island formed by the river Eden, on the north side of the town, between the two bridges,

From the hour when the jury found him guilty, he behaved with the utmost serenity and cheerfulness. He received the visits of all who wished to see him, and talked upon the topics of the day with the greatest interest or indifference. He could scarcely ever be brought to speak of his own case. He neither blamed the verdict, nor made any confession of his guilt. He said that he had no intention to defraud those whose names he forged; but was never heard to say that he was to die unjustly. None of his relations ever visited him during his confinement.

The alarming nature of the crime of forgery, in a commercial country, had taught him from the beginning to entertain no hope of mercy. By ten in the morning of September 3, his irons were struck off: he appeared as usual, and no one observed any alteration or increased agitation whatever.

Soon after ten o'clock he sent for the Carlisle Journal, and perused it for some time: a little after he had laid aside the paper, two clergymen (Mr. Pattison, of Carlisle, and Mr. Mark, of Burgh-on-Sands,) attended and prayed with him for about two hours, and drank coffee with him. After they left him, about twelve, he wrote some letters, and in one inclosed his penknife: it was addressed to London. About this time he also shaved himself: though intrusted with a razor, he never seems to have meditated an attempt upon his life, but it was generally reported on Friday night that he had poisoned himself, though without foundation. Soon after twelve, a gentleman called upon him. In a strain of affected politeness, he apologized for being found in *deshabille*. To all who spoke with him, he pretended that what he had to suffer was a matter of little consequence. He preferred talking on indifferent subjects.—At three he dined with the gaoler, and ate heartily. Having taken a glass or two of wine, he ordered coffee. He took a dish a few minutes before he set out for the place of execution. The last thing he did was to read a chapter from the 2d Corinthians. He had previously marked out this passage for his lesson before he was to mount the scaffold.

The sheriffs, the bailiffs, and the Carlisle volunteer

cavalry, attended at the gaol-door about half-past three, together with a post-chaise and a hearse. He was then ordered into the turnkey's lodge, for the purpose of being pinioned, where he inquired of the gaoler, who were going in the chaise with him? He was told, the executioner and the gaoler. He immediately said, "Pray, where is the executioner? I should wish much to see him." The executioner was sent for. Hatfield asked him how he was, and made him a present of some silver in a paper. During the time of his being pinioned, he stood with resolution, and requested he might not be pinioned tight, as he wished to use his handkerchief when on the platform; which was complied with. A prodigious crowd had assembled: this was the market-day, and people had come from the distance of many miles out of mere curiosity. Hatfield, when he left the prison, wished all his fellow-prisoners might be happy: he then took farewell of the clergyman, who attended him to the door of the chaise, and mounted the steps with much steadiness and composure. The gaoler and the executioner went in along with him. The latter had been brought from Dumfries upon a retaining fee of ten guineas.

It was exactly four o'clock when the procession moved from the gaol. Passing through the Scotch gate, in about twelve minutes it arrived at the Sands. Half the yeomanry went before the carriage, and the other half behind. Upon arriving on the ground, they formed a ring round the scaffold. It is said that he wished to have had the blinds drawn up, but that such an indulgence was held inconsistent with the interest of public justice.—When he came in sight of the tree, he said to the gaoler, he imagined that was the tree (pointing at it) that he was to die on. On being told yes, he exclaimed, "Oh! a happy sight—I see it with pleasure!"

As soon as the carriage door had been opened by the under sheriff, he alighted with his two companions. A small dung-cart, boarded over, had been placed under the gibbet, and a ladder was placed against it, which he instantly ascended. He was dressed in a black jacket, black silk waistcoat, fustian pantaloons, shoes, and white

cotton stockings. He was perfectly cool and collected. At the same time his conduct displayed nothing of levity, of insensibility, or of hardihood. He was more anxious to give proof of resignation than of heroism. His countenance was extremely pale, but his hand never trembled.

He immediately untied his neck handkerchief, and placed a bandage over his eyes. Then he desired the hangman who was extremely awkward, to be as expert as possible about it, and that he would wave a handkerchief when he was ready. The hangman not having fixed the rope in its proper place, he put up his hand and turned it himself. He also tied his cap, took his handkerchief from his own neck, and tied it about his head also. Then he requested the gaoler would step upon the platform, and pinion his arms a little harder, saying, that when he had lost his senses, he might attempt to place them to his neck. The rope was completely fixed about five minutes before four o'clock: it was slack, and he merely said, "May the Almighty bless you all." Nor did he falter in the least; when he tied the cap, shifted the rope, and took his handkerchief from his neck.

He several times put on a languid and piteous smile. He at last seemed rather exhausted and faint. Having been near three weeks under sentence of death, he must have suffered much, notwithstanding his external bearing; and a reflection of the misery he had occasioned must have given him many an agonizing throb.

Having taken leave of the gaoler and the sheriff, he prepared himself for his fate. He was at this time heard to exclaim, "My spirit is strong, though my body is weak."

Great apprehensions were entertained that it would be necessary to tie him up a second time. The nose slipped twice, and he fell down above eighteen inches. His feet at last were almost touching the ground. But his excessive weight, which occasioned this accident, speedily relieved him from pain. He expired in a moment, and without any struggle. The ceremony of his hands being tied behind his back was satisfied by a piece of white tape passed loosely from the one to the other.

But he never made the smallest effort to relieve himself. He had calculated so well that his money exactly carried him to the scaffold. As they were setting out, the hangman was going to search him. He threw him half-a-crown, saying, "This is all that my pockets contain."—He had been in considerable distress before he received a supply from his father. He afterwards lived in great style, frequently making presents to his fellow felons.—He was considered in the gaol as a kind of emperor: he was allowed to do whatever he pleased, and no one took offence at the air of superiority which he assumed.

He was cut down after he had hung about an hour.—On the preceding Wednesday, he had applied to one of the clergymen who attended him (Mr. Pattison) to recommend him a tradesman to make his coffin. Mr. Joseph Bushby, of Carlisle, took measure of him. He did not appear at all agitated while Mr. Bushby was so employed; but told him that he wished the coffin to be a strong oak one, plain and neat. "I request, Sir," he added, "that after I am taken down, I may be put into the coffin immediately, with the apparel I may have on, and afterwards closely screwed down, put into the hearse which will be in waiting, carried to the churchyard of Burgh-on-Sands, and there be interred in the evening."

The coffin, which was made of oak, was however, adorned with plates, and extremely handsome every way. A hearse, which was in waiting according to his orders, followed with it to the ground, and afterwards bore him away. It seems he had a great terror of his body being taken up, and though he was told that it would be safer for him to be buried in the city, yet he preferred Burgh, a place extremely sequestered, (about ten miles west from Carlisle): but the conscientious parishioners of Burgh objected to his being laid there, and the body was consequently conveyed in the hearse to St. Mary's churchyard, (the usual place for those who come to an untimely end), close by the northern gate. Several men then set to work, to dig a grave. The spot was fixed upon in a



distant corner of the church-yard, far from the other tombs. No priest attended, and the coffin was lowered without any religious service. Notwithstanding his various and complicated enormities, his untimely end excited considerable commiseration in this place. His manners were extremely polished and insinuating, and he was possessed of qualities which might have rendered him an ornament to society.

The unfortunate Mary of Buttermere went from home to avoid the impertinent visits of unfeeling curiosity. By all accounts she was much affected; and, indeed, without supposing that any part of her former attachment remained, it is impossible that she could view his tragical fate with indifference. When her father and mother heard that Hatfield had certainly been hanged, they both exclaimed, "God be thanked!"

### ROBERT ASLETT,

*Assistant-Cashier of the Bank of England, condemned to Death for embezzling Public Property to a large amount, entrusted to his Charge, and respited during his Majesty's Pleasure, Nov. 18, 1804.*

THE royal mercy which has in many instances been refused to criminals who have been generally thought proper objects of clemency, was, and still is, extended to this great offender.

Mr. Aslett had been in the employ of the Governor and Company of the Bank of England for about twenty-five years, and had conducted himself faithfully and meritoriously until he had been induced, unfortunately, to speculate in the funds; and, in dereliction to that duty and fidelity which he owed to his employers, had subtracted immense sums from the property entrusted to his care.

In the year 1799, having gone through the necessary

and regular gradations, he was appointed one of the cashiers. It was a part of the business of the Bank to purchase Exchequer Bills, to supply the exigencies of government; the purchases were entrusted to the care of a very meritorious and excellent officer (Mr. A. Newland), but on account of that gentleman's growing infirmities, having been fifty-eight years in the service of the Bank, the management was left wholly under the care and direction of Mr. Aslett. These purchases were made of Mr. Goldsmid, by the means of Mr. Templeman, the broker. It was usual to make out a bill in the name of the person from whom they were purchased, which was delivered to Mr. Aslett, to examine and enter them in what is called the bought-book, and then give orders to the cashiers to reimburse the broker. The bills were afterwards deposited in a strong chest, kept in Mr. Newland's room, and when they had increased in bulk by subsequent purchases, they were selected by Mr. Aslett, tied up in large bundles, and carried to the parlour, that is to say, the room in which the Directors held their meetings, accompanied by one of the clerks, with the original book of entry, when the Directors in waiting received the envelope, and deposited them in the strong iron chest, which had three keys, and to which none but the Directors had access; nor could they be brought forth until the course of payment, unless by consent of at least two of the Directors. Therefore it was not possible for them to find their way into the hands of the public unless embezzled for that purpose.—On the 26th of February, 1803, Mr. Aslett, according to the practice, made up three envelopes of Exchequer Bills of 1000*l.* each bill; the first containing bills to the amount of 100,000*l.*; the second 200,000*l.*; and the third 400,000*l.*; making in the whole 700,000*l.*: these were, or in fact ought to have been, carried into the parlour, and were signed as being received by two of the Directors, Messrs. Paget and Smith; one of these bundles, namely, that containing the 200,000*l.* worth of bills was withdrawn.

The confidence which the Governor and Company placed in Mr. Aslett had enabled him to conceal the

transaction from the 26th of February, to the 9th of April; and it was next to an impossibility that it should be discovered, as no period of payment had arrived; but on that day, in consequence of an application made by Mr. Bish, the whole was discovered. On the 16th of March, Mr. Aslett went to that gentleman, and requested he would purchase for him 50,000*l.* consols, to which request no objection was made, provided he deposited the requisite securities. The fluctuation of the market at that time was six per cent. and Aslett, in order to cover any deficit, deposited with Mr. Bish three Exchequer Bills, Nos. 341, 1060, 2694, and which he knew had been previously deposited in the Bank. From some circumstances, and from his general knowledge of the whole of the business of the funds, Mr. Bish suspected all was not right, and accordingly went to the Bank, where an investigation took place, at which Mr. B. Watson, one of the Directors was present. Mr. Newland was sent for, and asked, whether any of the Exchequer Bills could, by possibility, get into the market again from the Bank? To which he answered in the negative, observing they were a dormant security. The same question was put to Mr. Aslett, and the same answer given by him. It was found necessary to tell him, that the bills in question, which could be proved to have been in the Bank, had found their way into the money-market; and at the same time it was observed, that he had made purchases to a large amount, of stock, with the bills: this was acknowledged by him; but he said he had done so for a friend named Hosier, residing at the west end of the town, and he declared they were not Bank property, nor to be found in the Bought Book. The Directors, however, were not satisfied on this point, and he was immediately secured. His trial was, however, postponed till July, as it occurred to those employed in the prosecution, that the bills in question had been issued with an informality in them, not having the signature of the Auditor of the Exchequer. They were aware of the objections that might be taken, and Parliament not then being sitting, it was thought advisable to postpone the trial, lest it might

create an alarm in the money-market. The fact was no sooner known, than a bill was brought into Parliament for remedying those defects, and to render the bills valid.

On Friday, July 8, at half-past ten o'clock in the morning, Mr. Aslett's trial commenced. Mr. Garrow, on the part of the prosecution, stated the facts above-mentioned; but, when about to call witnesses to give evidence, Mr. Erskine insisted that the exchequer bills, which the prisoner stood charged with having stolen, were not good bills till the act of parliament had made them so; and consequently that they were pieces of waste paper when stolen. The Chief Baron Macdonald, Mr. Justice Rooke, and Mr. Justice Lawrence concurred, that the present indictment could not be maintained; and the jury were accordingly desired to acquit the prisoner. He was afterwards tried on nine other indictments, the evidence being the same, Mr. Garrow having applied to the court to detain him in custody, it being (he said) the intention of the Bank directors to issue a civil process against him for 100,000*l.* and upwards, the monies paid for the bills which he had converted to his own use.

Mr. Kirby at first hesitated to receive the prisoner, understanding he was acquitted; but was peremptorily desired by the court to take him back.

Mr. Aslett was dressed in a lightish brown coat, his hair full-powdered. He appeared quite collected, but held his head down, never once looking up, except when the application was made to keep him in custody, when he expressed symptoms of great surprise, and looked very stedfastly at the court.

On Saturday, September 17, at a quarter before ten o'clock, Mr. Aslett was again brought to the bar of the Old Bailey, before Baron Chambre and Mr. Justice Le Blanc. The prisoner was attended by four or five gentlemen, who continued in the dock during the whole time of the trial.

Three indictments were read, with two counts in each. The three indictments charged the prisoner with secreting and embezzling three notes. The first indictment

was, for that he, being an officer or servant of the Governor and Company of the Bank of England, had secreted, and embezzled a certain piece of paper, partly written and partly printed, being No. 835, purporting to be of the value of 500*l.*; the second, 2994, for 1000*l.*; and the third, No. 6061, for 1000*l.* One count in each stated them as securities of the said Governor and Co. and the other as effects belonging to the said Governor and Co. There were other counts diversifying the statement of the property in other forms, such as were deemed to come within the law.

A jury was after some time empannelled, Mr. Aslett's counsel having challenged fifteen, eleven having been absent, and one who was summoned having died on Friday morning.

Mr. Giles, the junior counsel for the prosecution, opened the case.

Mr. Garrow then stated it at a considerable length to the jury. There was one point, to which he called the particular attention of the court and jury, and that was that the gentleman had been tried before, and acquitted of the charge of purloining exchequer bills to an immense amount; as it was then proved to the satisfaction of the learned judges on the bench, for whom he entertained the highest respect, that they were not actually such as might in law be termed Exchequer Bills, in consequence of their not having been signed as the act directs. The present indictments, however, stated them as papers *purporting* to be Exchequer Bills, which they evidently were on the face of them, and subdivided the charge, by stating them one time as securities, and at another time as effects belonging to the Company. This he had no doubt that the jury would be convinced of upon hearing them read; and it was an important duty which the Bank owed to the public, that they should not suffer so great a delinquent to escape the justice of the country in consequence of any want of exertion on their part.

Mr. Erskine, in behalf of the prisoner, delivered a most animated address to the jury. He stated, that the former

indictments against the gentleman at the bar had been objected to on grounds which were approved of by the bench of learned judges who then sat upon the bench.— He was now brought up again to be tried for exactly the same offence, though differently stated; and he thought that the present proceeding was liable to the same objections which were then admitted to be valid by the bench; but he should oppose it on much stronger grounds. He then stated the exception which had been taken to the legality of Mr. Jennings's signature, in the place of that of Lord Grenville, as Auditor of the Exchequer. That the same illegality in a criminal sense existed with respect to all bills issued at that time from the Exchequer was manifest from the circumstance of the legislature having found it necessary to pass an act expressly for the purpose of making them legal in a civil view; and that act had a most humane proviso, which declared in plain terms that the act was to be considered to make the Exchequer Bills issued at that time valid only in a civil view, and was not to have any retrospective view to any criminal offence committed before the passing of that act. He then read the proviso in the act. The learned gentleman stated, that as securities, they were nothing in law, for a person, at the time of their being passed, could not recover at law; he was not therefore legally secured by the possession of such bills. As to the idea of calling them effects, he considered that, though the legislature had thought proper to pass an act for the protection of that company above all others, by passing what is generally termed the Bank Act, in consequence of the immense magnitude of that concern, yet effects must obviously mean the same, as in a case of petty larceny would be considered as effects, that is something intrinsically valuable in themselves, without taking in or mixing in the mind, the idea of their professed or avowed value. If that was not the case, a clerk who took away a loose half-sheet of paper lying about the office, or a pen that was worn to the stump, came within the limits of the act, and would be liable to a prosecution for felony. If he did not know the highly respectable character which

that company supported, and the very great ability by which they were counselled, he should be induced to say, that the prosecution of the gentleman at the bar a second time, for exactly the same offence of which he had been before acquitted by law, was vexatious; and he should declare, not only as a lawyer, but as a man that they were rather inclined to be severe towards the prisoner, than that they should be thought in the least to relax from their duty, or from an idea of justice to the public. The articles stated in the indictments must either be really and *bonâ fide* Exchequer Bills, or else they were no securities; they were no effects in law; they were no more than pieces of waste paper, for the embezzlement of which he had never known a prosecution to be sustained at law. The generosity of government, or the justice of the country, could not at that time pay a single farthing for them; the strings of the national purse were only to be drawn by the consent of the legislature, and at that time there was no such consent obtained; the articles in the indictment were at that time nothing but so many pieces of waste, printed, and written paper, which had not been called into existence as any thing of valuable property, as any effects belonging to the Bank which had obtained the sanction of parliament; they had not been animated by the breath of the legislature. The learned gentleman then quoted several cases from the reports of the most eminent law-writers, stating that chattels or effects must be something valuable intrinsically in themselves; and said that it was his firm belief that the learned judges at present on the bench would deliver a charge similar in effect to that which had already been delivered by the learned judges sitting on that bench at the time of Mr. Aslett's former trial: he believed that they would find themselves in the same situation, and instruct the jury to find a verdict for the acquittal of that gentleman without hearing any evidence upon the case; as in his opinion it was not such as could be supported in law.

Mr. Serjeant Best followed on the same side. He also adverted to the passing of the act last session to make

the Exchequer Bills then passed valid, and from thence inferred that it was an implied proof of the idea which the legislature entertained that they were otherwise of no value. He also read a clause in the Bank Act with respect to articles secreted or embezzled by any officer or servant of the Bank, which enumerated "bullion, money, or other effects;" and contended, that it was such an association of ideas as must naturally lead any man to consider the company in which those words were found; the act must certainly mean other effects *ejusdem generis*.— If a person was to pay for base metal as gold, that payment was not sufficient to constitute its value, nor make it be considered as gold; he therefore considered that his client was entitled to acquittal, as nothing valuable had been taken, notwithstanding it might be asserted that the Bank had paid for them as such.

Mr. Garrow was rising to reply, when,

Mr. Justice Le Blanc observed, that he did not think that the present was that clear case upon which he could immediately decide. There might be found, perhaps, a difference in the definition of a case of larceny and that of felony. At present he thought it most adviseable that the court should proceed into a hearing of the evidence to be adduced, and reserve the disputed point of law for the opinion of all the judges.

Mr. Robert Best, secretary of the Bank, was called first in evidence. He stated, that Mr. Aslett was engaged as a clerk in the Bank on the 19th of March, 1778; on the 19th of September 1793, he was appointed assistant to Mr. Abraham Newland; and on the 17th of January, 1799, he was raised to the situation of cashier to the Governor and Company of the Bank of England. Mr. Aslett had, during the whole of that time, conducted himself with the utmost integrity and respectability.

Mr. Abraham Newland, the principal cashier, deposed, that Mr. Aslett or himself always signed the order for payment of the bought Exchequer Bills: an entry was regularly made in the bought-book by the one or other of them; they were then given in to the Directors in the parlour, where they were put into a strong closet, and



could not possibly get out again into the market unless by fraud. It was frequently some weeks, he said, before they were delivered in by the cashiers, which was sometimes done by Mr. Aslett, and at other times by himself. On the 25th of February, the day stated in the indictment, Mr. Aslett had given the bills in. He also bore most honourable testimony to the good character of the prisoner, and stated the high estimation in which he was held by the Directors.

Mr. Abraham Goldsmid swore, that on the 3d of December, 1802, his house had sold 85,000*l.* in Exchequer Bills to the Bank of England, and proved that Mr. Aslett's signature was subscribed to the order for payment.

Mr. Benjamin Kiddell generally made out the order for payment, and a bill of parcels to correspond; he then took them to Mr. Aslett to sign. He swore to Mr. Aslett's hand-writing.

Several witnesses proved, that various Exchequer Bills outstanding in the market, had been bought up by the Bank, particularly those which were in the hands of Messrs. Cole, Templeman, and Co. to the amount of 31,985*l.* 2*s.* 2*d.* which were bought on the 11th of December, 1802, and the money paid for them by the Bank of England.

Mr. William Horton, a hosier in Newgate street, about the latter end of March, or beginning of April, had lent Mr. Aslett 11,000*l.* consols, for which he received a deposit of Exchequer Bills, a list of which he delivered into court, and swore to its correctness. Among the numbers was one of those stated in the indictment.

Mr. Chambers, a merchant in Dove-court, St. Swithin's-lane, had received a deposit of 10,000*l.* on the 16th of March; 16,000*l.* on the 17th ditto; and 17,000*l.* on the 9th of April, all in Exchequer Bills, to secure a loan of consols.

Mr. James Vansummer, a broker, had borrowed 15,000*l.* for the prisoner, of the houses of Messrs. Down and Co. and Messrs. Chambers and Co. for which he

got a deposit of Exchequer Bills to the amount of 30,000*l.*

Mr. T. Bish, stock-broker and lottery-office keeper, deposed, that the prisoner came to his house, on the 15th of March, and desired him to purchase 50,000*l.* consols for him. Mr. Bish endeavoured to dissuade him from making such a hazardous enterprise, as it was very probable that the funds would be liable to very great fluctuation. Mr. Aslett, he said, then asked him, how much would be the probable fluctuation; and the witness told him probably five or six per cent. Mr. Aslett persisted in his disposition to purchase, and deposited with the witness three Exchequer Bills, of 1000*l.* each. He bought the stock on account for the next opening, three times over; but from some suspicion arising in his mind as to the propriety of such bills being in the market, he waited on some of the Directors, and communicated his suspicion. Upon this an enquiry was instituted, and Mr. Aslett was taken into custody.

The numbers of the various bills were compared with the bought-book; when it was found that they had been already bought in by the Bank, and that they were entered as delivered on the 26th of February, in an envelope, which was endorsed as containing 200,000*l.*

Mr. John Puget, a Director, deposed, that he and Mr. Smith, another Director, attended in the parlour on the above day, for the purpose of receiving the bought-up bills. Mr. Aslett had that day delivered in four parcels, the first of which was to the amount of 200,000*l.* of the supply of 1802. The parcel was supposed to be placed in the strong closet, immediately after the witness had signed the entry; but had it really been placed there, he did not suppose that they could possibly find their way into the market again, as that closet was never opened but in the presence of two Directors, and had three locks.

Mr. Winthrop, the deputy-governor, stated the particulars of Mr. Bish's communication, and the circumstance of Mr. Aslett having been taxed with being concerned in the fraud. At first he hesitated; he then said, that

he had got them from a Mr. Hosier; which not proving satisfactory, he was committed by Mr. Alderman Watson. The bills were entered in the bought-book as bought up.

Mr. alderman Watson corroborated the statement of the last witness; and mentioned, that at the time of the private examination of Mr. Aslett, he had acquainted him that he need not answer any question that might tend to criminate himself.

Mr. Boddington, of the cash-office, proved the circumstance of Mr. Aslett's desk having been broke open on the 11th of April, when it was found to contain an envelope marked as 200,000*l.* in bills, of the supply of 1802, and 109 bills to the amount of 16,000*l.* which were given to the Directors then in the parlour.

Mr. Hase proved, that the contents of the strong closet was 200,000*l.* less than the entries in the bought-book.

The prisoner being called on for his defence, said, that he trusted entirely to his counsel.

Mr. Erskine observed to the court, that he had a host of witnesses to produce to the character of his client; but that on account of the honourable testimony which his learned friend, Mr. Garrow, and several of the principal witnesses, had given of the very high and respectable character which Mr. Aslett had supported for such a number of years up to the time mentioned in the indictment, he should think it unnecessary to take up the time of the court, by hearing the evidence which he had it in his power to bring.

Mr. Justice Le Blanc delivered a most minute and able charge, going through the different evidence in the most clear and correct manner, and informing the jury that they were only for the present to consider whether the prisoner had been proved to have secreted or embezzled the articles stated in the indictment. If they were of opinion that he had, they were bound to find the prisoner guilty. If there was any doubt upon their mind, whether he might not have obtained possession of them by com-

mitting a burglary, or in any other manner than that stated in the indictment, they would find him not guilty.

The jury consulted together for about five minutes, and then returned the prisoner "Guilty."

The court was exceedingly crowded, and the trial lasted till six o'clock.

Mr. Aslett betrayed neither a symptom of fear nor levity, but seemed to pay the greatest attention to every thing that passed, and conducted himself with a becoming firmness throughout the whole of the trial. When the verdict was pronounced, there was a great buzz in the court: Mr. Aslett waited for about two minutes, then bowed to the court, and withdrew, accompanied by his friends.

February 16, 1804, Mr. Aslett was brought to the bar to receive his sentence, when Mr. Baron Hotham addressed him as follows:

"Robert Aslett, you were tried and convicted in this court, in the September sessions, 1803, for embezzling effects belonging to the Governor and Company of the Bank of England, you being an officer and servant of that Bank, and, as such, entrusted with their property. The indictment stated, in the first count, that you, being in the employment of the said Bank, and being entrusted with a certain paper, partly printed, and partly written, commonly called an Exchequer Bill, purporting to be for 500*l.* did feloniously secrete and embezzle the same, it being the property of the said Company, and remaining unpaid and unsatisfied to them, as holders thereof. The indictment then set forth two other bills, each for 1000*l.* which you, as an officer and servant of the Governor and Company aforesaid, did also secrete, embezzle, and run away with. You have thus been charged in the indictment, with having feloniously secreted and embezzled property belonging to the Governor and Company of the Bank of England, to the amount of 2,500*l.* and that against the statute and king's peace. There were other counts in the indictment, which did not state the paper to be of any value; but shewing that the Governor and Company had, on the credit and security of such pieces

of paper, advanced a certain sum of money, which was then unpaid and unsatisfied to the Bank. Other counts again called these pieces of paper securities, instead of money or effects. It was argued by your counsel, that those bills were not valid or legal bills, having been signed by a person not properly authorized by lord Grenville, though they had been issued as good, and paid as such. On this indictment you have been lawfully convicted by a jury of your countrymen, but judgment has been suspended till the opinion of the twelve judges of England was taken on this important case, in order to ascertain whether these bills were good, according to the statute 15th Geo. II. Eleven of these judges were of opinion, that some of the objections, so ably argued by your counsel, should be sustained: they have since held various conferences, which produced various different opinions; and it is now my duty to communicate to you the result of their investigation. Several points were urged in your favour, such as, supposing that the offence with which you have been charged was of such a description as to fall within the act of 15th Geo. II. c. 13. you stood acquitted by the statute passed in the reign of Geo. III. which operated as a repeal of the former. It is, however, unnecessary for me now to enlarge upon this topic, or to state the reasons which occasioned all of the judges, ultimately, to be of a different opinion. I am authorized by them to say, that they entertain no doubt upon the subject; and that they all concur in opinion, that nothing is contained in the second act which can operate as a repeal of the first act. The only question which then remained for their consideration was, whether or not these bills fell within the meaning of the statute 15th Geo. II. and could be denominated effects according to that act. On this point, indeed, the judges were not unanimous, but the majority are of opinion, that they are effects and securities within the true meaning of the act. In order to make the matter more intelligible, I shall read to you the clause of that act to which I particularly allude:—

“ Be it enacted by the authority aforesaid, that if any

officer or servant of the Governor and Company of the Bank of England, be entrusted with any note, bill, dividend, warrant, bond, deed, or other security or effects, belonging to the said company, or having any such security from any other person lodged with the said Company, shall secrete, embezzle, or run away with any such note, &c. every officer or servant so offending shall suffer," as the act directs. The great object of the legislature was to add security and administer protection to the Bank of England. The immense national concerns with which it was and still is entrusted, called upon the legislature for particular provisions in its favour. The principles of legislation must now be applied to the object then under contemplation; and the view we take of any code of laws must be more comprehensive when it concerns so materially such a large incorporated body, than when it only relates to private individuals. Considering this law then in the enlarged and liberal view on which it was framed by the legislature (at the same time that all the judges disclaim any wish to strain any part of it where it is so penal,) the recollection of the enormous weight of Exchequer Bills, in which the public were so deeply and materially concerned, cannot fail to occur to every mind. That these bills had become the fair and valuable property of the Bank was allowed on all hands; but still it was argued, that they were not such securities as fell within the true meaning of the act of Parliament, because they were not of any positive or intrinsic value. Now, whatever shall be deposited with the Bank, was expressly guarded by the words of the act; and although the bills in question be of no descriptive legal value, yet they carry about them such a consequence at least as may make their preservation of the utmost importance to the Bank. In that view, therefore, they surely have their value. The very Exchequer Bills which they would be, were the defects removed, the government of the country were called on to pay, inasmuch as they have been issued under the authority of Parliament. They were given as valid bills, and the holders of them have as strong a claim, I will not say upon the honour only, but

even upon the justice and equity of parliament, for the payment of them, as if they had been perfectly correct in every particular, and in all their parts. They are at least valuable papers, whatever they may be called, and the holders of them have them as such, having paid for them the value which they respectively import. They are therefore to be included in the true meaning of the word securities, which may be in the end available to any person who may be possessed of them. Nor are they less to be deemed included under the meaning of the word effects, which is confined to no particular species of property, but may consist either of specie or any other article whatever. It was this that the legislature had in view when the act was passed; for, be they effects, or securities, or both of them, they import value upon the face of them. The embezzling or secreting of such effects or securities, constituting part of the property of the Governor and Company of the Bank of England, is not (by the act alluded to) made larceny, but it is created a felony, which does away the necessity of any value being ascertained. But it must be acknowledged, that these bills of themselves are such a species of security, or effects, as no man would hesitate about giving the value which appears on the face of them. They are such effects or securities, that if a bankrupt had got value for them, he would be bound by law to account to his creditors for them, as a part of his just debt. An executor, who found such bills in the possession of his testator, would be bound to pay a tax for them to government, as making part of that property which might fall into his hands; and he would be liable to punishment were he to destroy them. But it was argued, that the words were to be construed in a manner that they would not ascribe value to things which were perfectly nugatory in themselves, as pieces of waste paper, &c. The judges, however, have not found themselves driven to that extreme length in construing the act of parliament, which they have so minutely considered. Their judgment only goes to the express words of the act itself, referring to such securities or effects only as are entrusted to the officers or servants of the Bank.

These bills, therefore, being of such a nature, as that government were bound to correct all deficiencies or irregularities, and pay the amount to the Bank, who had purchased them for a valuable consideration, the majority of the judges are of opinion, that they are really the effects and securities of the Bank, falling under the construction of the act 15th Geo. II. and that their embezzlement by you, being an officer and servant of that company, subjects you, in point of law, to conviction upon the indictment on which you was found guilty."

Mr. Aslett bowed respectfully to the court; and, as he expressed but little agitation on hearing the unfavourable decision of the twelve judges, it was supposed he must have been previously prepared for the fatal opinion.

On the Monday following, February 20, 1804, this unfortunate man received sentence of death, and appeared wretchedly dejected. When he was asked, what he had to say why judgment of death should not be passed upon him? he answered, "Nothing; I resign myself to my fate." He never looked up the whole time the Recorder was addressing him, and left the court under great perturbation of mind. A report of his case was not made to the King by the Recorder till November 18th, when he was respited during his Majesty's pleasure. He remained a prisoner in Newgate above ten years, when he was released on condition of his residing abroad.

## FRANCIS SMITH,

*Condemned to Death, for the Murder of the supposed Hammersmith Ghost, but whose Punishment was mitigated to Imprisonment.*

IN the beginning of the year 1804, the inhabitants of Hammersmith, near London, imagined that a ghost haunted their neighbourhood, but the fancied spectre was



at length, in a most unfortunate manner, proved to be human flesh and blood.

A poor woman, who was far advanced in her pregnancy of a second child, was crossing near the churchyard about ten o'clock at night, when she beheld something, as she described, rise from the tomb-stones. The figure was very tall, and very white! She attempted to run, but the ghost soon overtook her, and pressing her in his arms, she fainted; in which situation she remained some hours, till discovered by some neighbours, who kindly led her home, when she took to her bed, from which, alas! she never rose—she died in the course of two days.

The ghost had so much alarmed a waggoner belonging to Mr. Russel, driving a team of eight horses, and which had sixteen passengers at the time, that the driver took to his heels, and left the waggon and horses so precipitately, that the whole was greatly endangered.

Neither man, woman, nor child, could pass that way; and the report was, that it was the apparition of a man who had cut his throat in the neighbourhood above a year ago.

Several lay in wait different nights for the ghost; but there were so many bye-lanes and paths leading to Hammersmith, that he was always sure of being on that which was unguarded, and every night played off his tricks to the terror of the passengers!

Francis Smith, doubtless incensed at the unknown person who was in the habit of assuming this supernatural character, and thus frightening the superstitious inhabitants of the village, rashly determined on watching for, and shooting the ghost; when, unfortunately, he shot a poor innocent man, Thomas Millwood, a bricklayer, who was in a white dress, the usual habiliment of his occupation. This rash act having been judged wilful murder by the coroner's inquest, Smith was accordingly committed to gaol, and took his trial at the ensuing sessions at the Old Bailey, January 13; when Mr. John Locke, wine-merchant, living at Hammersmith, stated, that on the 3d of January, about half-past ten in the

evening, he met the prisoner, who told him he had shot a man, whom he believed to be the pretended ghost of Hammersmith.

A rumour of a ghost walking about at night had prevailed for a considerable time. He went with the prisoner, in company with Mr. Stowe, and a watchman, up Limekiln-lane, to Blacklion-lane, where the deceased was lying apparently dead.

The witness and Mr. Stowe consulted together upon what was proper to be done, and they directly sent for the high-constable. The body had no appearance of life; there was a shot in the left jaw. The prisoner was much agitated. The witness told him the consequences likely to be the result of his conduct. The prisoner replied, that he fired, but did not know the person whom he had shot; he also said, that before he fired, he spoke twice to the deceased, but received no answer.

Mr. Const, for the prisoner, cross-examined this witness. For five weeks previous to this melancholy catastrophe, the ghost had been the subject of general conversation in Hammersmith. He had never seen it. The dress in which the ghost was said to appear, corresponded with that worn by the deceased, being white. The deceased had on white trowsers, down to his shoes; a white apron round him, and a flannel jacket on his body. The ghost sometimes appeared in white, and frequently in a calf's skin.

The prisoner was so agitated when the witness met him, that he could hardly speak. The deceased, after the prisoner called out, continued to advance towards him, which augmented his fear so much that he fired. The witness described the evening as very dark: Blacklion-lane was very dark at all times, being between hedges; and on that evening it was so very obscure, that a person on one side of the road could not distinguish an object on the other.

The prisoner, when he first mentioned the accident, expressed to the witness his wish that he would take him into custody, or send for some person to do so. The pri-

soner was a man mild and humane, and of a generous temper.

William Girdle, the watchman, in Hammersmith, after stating that he went to the spot with Mr. Locke, described the posture in which the deceased was found. He was lying on his back, stretched out, and quite dead. His left jaw was broken by a shot. The prisoner came to the witness, and said he had hurt a man, and he was afraid very badly. Previous to this the prisoner told him he was going to look after the ghost. The witness replied that he would join him, after crying the hour, and that they would search the lanes together. They agreed on a watch-word—"Who comes there?—A friend.—Advance friend." The witness went his rounds, and just before he got to Blacklion-lane, he heard the report of a gun. He took no notice of that circumstance, as he frequently heard firing in the night. He did not see a gun lying by the deceased. The prisoner offered to deliver himself up.

On his cross-examination, the witness said that he himself was armed with a pistol, as other watchmen are. He had seen the supposed ghost himself on the Thursday before, being the 29th of December. It was covered with a sheet or large table cloth. He encountered it opposite the four-mile stone, and pursued it, but without success, as the spirit pulled off the sheet and ran. The alarm had been very great for six weeks or two months, and many people had been terribly frightened. He knew the prisoner, and he was nothing like a cruel man.

Anne Milwood, sister to the deceased, was next called.

The Lord Chief Baron lamented that any questions relative to this melancholy affair should be put to her, but for the ends of justice they were rendered indispensably necessary. She stated, that she lived with her father and mother; between ten and eleven of the evening of the third of January, her brother called; he had been to enquire for his wife, who was at Mr. Smith's, the outrider. The witness and her mother were going to bed, and her mother asked the deceased, whether his wife had come home? He replied, that she had not. She then desired

him to sit down, and wait for her half an hour. He sat till the witness heard the clock go eleven. She then desired him to go home; and he got up and went away, wishing the witness a good night. He shut the door behind him, and the witness directly went and opened it, stepped out, and stood on some bricks, looking after him. At that instant she heard a voice exclaim, "Damn you, who are you, and what are you? I'll shoot you, if you don't speak." This address was directly followed by the discharge of a gun. The witness, exceedingly alarmed for her brother's safety, called out Thomas, three or four times. The witness then went into the house, but she could not persuade either her father, mother, or a gentleman who lodged with them, that any accident had befallen her brother. She went out alone, and found him quite dead. She ran for assistance to a neighbour's house, and in returning from it, she saw the prisoner, Mr. Locke, Mr. Stowe, and the watchman.

Her brother was in his usual working-dress, as described by the first witness in his cross examination. The witness added, that she had heard great talk of a ghost stalking up and down the neighbourhood, all in white, with *horns* and *glass eyes*, but she did not know that any body had ever watched in order to discover and detect the impostor.

Mr. Flower, a surgeon at Hammersmith, saw the body the day following the accident: on the 6th he examined it by order of Mr. Hodgson, the coroner. He found that the deceased had received a gun-shot wound on the left lower jaw, with small shot, as he thought, No. 4, which penetrated to the vertebra of the neck, and injured the spinal marrow, which is a continuation of the brain. The face of the deceased was black, and that blackness was occasioned by the discharge of powder from a gun. The wound in the jaw was doubtless the cause of Milwood's death. He knew Smith; he was not a vindictive, but, on the contrary, a remarkably mild man.

A constable then stated, that the prisoner had surren-

dered to him, and that he had been two days in his custody.

This finished the case for the prosecution.

The prisoner having been called upon for his defence, said he would leave it to his counsel ; but, on being told that they could not speak on his behalf, being only allowed to examine his witnesses, he stated, that he went out with no bad design or intention ; and that when the unfortunate accident happened, he knew not what he did. He solemnly declared his innocence, and that he had no intention or idea of taking the life of any one.

The prisoner's counsel then called Mrs. Fullbrook, mother-in-law to the deceased : she said, that on the Saturday evening before his death, he told her that two ladies and a gentleman had taken fright at him, as he was coming down the Terrace, thinking he was the ghost. He told them he was no more a ghost than any of them, and asked the gentleman if he wished for a punch in the head. The witness advised the deceased in future to put on a great coat, in order that he might not encounter any danger.

Thomas Groom was called, as it would appear, to prove that some supernatural being actually visited the town of Hammersmith. He said he was servant to Mr. Burgess, a brewer, and that as he and a fellow-servant were going through the church-yard, one night, something, which he did not see, caught hold of him by the throat.

A number of witnesses were then called to the prisoner's character, which they described as mild and gentle in the extreme.

One of these witnesses said, he had known the prisoner for fifteen years ; and, during that period, his life had been marked by singular acts of humanity and benevolence.

The Lord Chief Baron then proceeded to address the jury. His lordship observed, that nothing which had been stated, or had appeared in this case, could possibly change the nature of the offence from murder. Although malice was necessary to make out the crime of murder,

yet it was not necessary, according to law, to prove that the prisoner had known the deceased, or had cherished any malice, or, as was vulgarly called, spite against him. If a man should fire into the hall, where he was now sitting, and kill any body at random, such a deed was murder. On the same principle, if a person was killed by design, without any authority, but from a supposition that the person ought to be killed, such an act was also murder, unless the killing was accidental.

If a man went out armed on the highway, intending to shoot robbers, and should decide in his own mind, that an individual whom he might see was a robber, and should kill the man who actually was not a robber, such an act would be held as murder.

However disgusted the jury might feel in their own minds with the abominable person guilty of the misdemeanour of terrifying the neighbourhood, still the prisoner had no right to construe such misdemeanour into a capital offence, or to conclude that a man dressed in white was a ghost. It was his own opinion, and was confirmed by those of his learned brethren on the bench, that if the facts stated in evidence were credible, the prisoner had committed murder. In this case there was a deliberate carrying out a loaded gun, which the prisoner concluded he was entitled to fire, but which he really was not ; and he did fire it with a rashness which the law does not excuse. In all the circumstances of the case, no man is allowed to kill another rashly.

His lordship here recapitulated the evidence, and commented on the defence made by the prisoner, which he remarked was singular. The prisoner had gone out persuaded that he was to meet a man, and yet when he did encounter him, he was so terrified as to be unconscious of what he did.

The prisoner had received an excellent character ; and here his lordship explained the reason why no witness but one could speak to his character farther than two years. The prisoner was an excise-officer, and, as such, liable to be removed and shifted from one situation to another

so that it was a great chance if he remained long in one place.

His lordship was afraid that his good character could not avail, in point of law, in that place, whatever effect it might have in another quarter, which did not become him to conjecture.

The jury retired for above an hour, and returned a verdict "Guilty of Manslaughter."

On hearing this verdict, it was stated by the bench, that such a judgment could not be received in this case; for it ought either to be a verdict of *murder*, or of *acquittal*. If the jury believed the facts, there was no extenuation that could be admitted; for, supposing that the unfortunate man was the individual really meant to have been shot, the prisoner would have been guilty of murder. Even, with respect to civil processes, if an officer of justice uses a deadly weapon, it is murder, if he occasions death by it, even although he had a right to apprehend the person he had so killed.

Mr. Justice Rooke.—"The court have no hesitation whatever, with regard to the law, and therefore the verdict must be—"Guilty of Murder," or "A total acquittal from want of evidence."

Mr. Justice Lawrence.—"You have heard the opinion of the whole court is settled as to the law on this point; it is therefore unnecessary for me to state mine in particular. I perfectly agree with the learned judge who stated the law in so clear and able a manner. If an officer kills a person whom he had a right to apprehend, upon suspicion of felony, he is guilty of murder, except in particular cases. Now this man was not even attempting to run away, supposing it had been the very person who was guilty of the misdemeanour; there was, therefore, no excuse for killing him. But though it had been the person who was alarming the neighbourhood, the prisoner had no right to kill him, even if he should attempt an escape, for the crime is only a misdemeanour. Upon every point of view, this case is, in the eye of the law, a murder, if it be proved by the facts. Whether it has or not is for you to determine, and return your verdict ac-

cordingly. The law has been thus stated by Justice Foster, and all the most eminent judges."

Recorder.—"I perfectly agree with the learned judges who have spoken. Gentlemen, consider your verdict again."

The jury then turned round, and, after a short consultation, returned their verdict "Guilty."

Lord Chief Baron.—"The case, gentlemen, shall be reported to his Majesty immediately."

The Recorder then passed sentence of death on the prisoner in the usual form; which was, that he should be executed on Monday next, and his body given to the surgeons to be dissected.

The prisoner, who was dressed in a suit of black clothes, was then twenty-nine years of age, a short but well-made man, with dark hair and eyebrows; and the pallid hue of his countenance, during the whole trial, together with the signs of contrition which he exhibited, commanded the sympathy of every spectator.

Several of the prisoner's relations were present, and apparently in great distress.

The sessions-house was crowded in every part by nine o'clock; and the yard was filled with an anxious multitude, all making enquiry, and interested in the fate of the prisoner; who, affected by shame and remorse, was now and then so seriously agitated, that he could with difficulty support himself. When called upon for his defence, his voice faltered, insomuch that it was not without a considerable effort he could articulate a word. On the retiring of the jury to reflect on his case, and the return of the verdict, he betrayed such apprehensions of real danger, as to deprive him of the power of sustaining himself without the friendly aid of a bye-stander.

When the jury returned, he made a sort of desperate effort—stood up, and endeavoured to attend to the verdict given. When the dreadful word "Guilty!" was pronounced, he sunk into a state of stupefaction exceeding despair. He at last retired, supported by the servants of Mr. Kirby.



The Lord Chief Baron having told the jury, after they had given their verdict, that he would immediately report the case to his Majesty, was so speedy in this humane office, that "a respite during pleasure" arrived at the Old Bailey, before seven o'clock, and on the 25th he received a pardon, on condition of being imprisoned one year.

GEORGE KENNEDY, MARTIN MOODY,  
AND RICHARD BARTON,

(SOLDIERS OF THE FOOT GUARDS.)

*Convicted of a Robbery, attended with circumstances of cruelty.*

THESE men, to the disgrace of the character of the soldier, were indicted for assaulting and dangerously wounding, on the 14th of November, 1804, on the king's highway, between Sandwich and Deal, George John Piercy Leith, and feloniously robbing him of a quantity of bank-notes, a silver watch, and some money.

Mr. Leith deposed, that he lived at Walmer, and on the 14th of November he had been at Sandwich-market: in the evening he was returning home to his house, which was about six miles from Sandwich. It was a fine evening, and the moon shone very bright. When he came to Shouldham-Downs, where the road turns off towards Fowlney chalk-pit, he observed three soldiers walking before him; one was in a red jacket faced with blue, the uniform of the guards; and the other two had foraging dresses. When he came up with them he received a violent blow on the left cheek, which knocked out one of his teeth, and swelled his eye so as to blind him. At the same instant, the man who gave the blow called out to the other in red, "Comrade, stop him." His horse started out of the road, and went a little way over the ploughed ground, but the bridle was seized by the man in a round frock. One of them said, "Your

money;" another said, "Yes, and soon." Whether he received another blow at this instant he could not tell, or whether he was pulled off; but, he fell from his horse, which ran away. They left him for a moment as he lay upon the ground: but, seeing them approach him again, he put his hand in his pocket, and gave them the bag containing the notes and money. One of them, with great dexterity, put his finger into his fob, and hooked out his watch, which he wore without a chain. They then all ran away. The prosecutor got up, and saw the moon shining very bright on the turnpike-road: he soon after met a James Wyburn, and, with his assistance, got home. He would not swear to the persons of any of the prisoners, but he thought that Barton was the man in red, and Kennedy the one who stood at the head of his horse. He had that day at Sandwich received sixteen five-guinea and sixteen one-guinea notes.

Serjeant John Rutter, of the third battalion of the first regiment of guards, deposed, that Barton and Moody belonged to the same company as himself, and Kennedy to the same regiment. On the Thursday, the fifteenth of November, as the witness was visiting the quarters of the married men who lived out of the barracks, he saw Moody come into a public-house in Deal. Moody asked another soldier if he would drink, and offered to treat him with half-a-pint of gin if he would go out with him. The serjeant said, he had seen the hand-bills that morning, which gave an account of the robbery, and he knew that Moody had no money the day before, because the witness had lent him a shilling. Finding that he was apparently flush of money, it raised his suspicion: he, however, said nothing, but went home to the barracks. Barton had been sent to the guard-house that evening for coming drunk to the parade; and, about eight o'clock Moody came in, and asked, "If all was well?" The witness supposed he meant to ask, whether he was home in time, and answered, "Yes." He then enquired why Barton was in custody, and was told, for being drunk at parade. He next asked the witness, if he had any objection to let a comrade sing a song, as he was undressing;

the serjeant replied, that as it was not nine, he had no objection to the song. He watched Moody as he was undressing, and observed him to take the jacket from under the head of his bed-fellow, who was asleep, and substitute his own, putting Austin's, the other man's, under his own head. The witness was obliged then to leave them to attend the roll-call of non-commissioned officers. He then concerted with serjeant Young, and it was agreed that the latter should come into Moody's room, and say, that he had orders to search all men in liquor. In consequence of this plan, serjeant Young came in shortly after, and searched Moody's bed: he took his jacket from under Austin's head, and between the cloth and the lining they found the watch, and three one-guinca notes, answering the description in the hand-bill.

Serjeant Aylesbury deposed, that Barton was committed to custody that day for being drunk at parade. Moody came in that day about four, and he observed that he had some private talk along with Barton. At about a quarter before nine, the witness received orders to search Barton, which he did, and between the lining and cloth of his jacket-sleeves, he found several bank-notes, all of which corresponded in number and value with those described in the hand-bills, advertising the robbery. He delivered them all over to serjeant-major Colquhoun.

The serjeant-major was called, who corroborated the testimony of the last witness, and deposed, that he delivered them over to the constable in the presence of the magistrate.

Thomas Simmons, a victualler at Walmer, deposed, that the morning after the three prisoners were taken into custody, he went to the guard-room about half-past seven, to carry the serjeants on guard some beer. Moody complained that he was uncomfortable, and begged the serjeant to take his hand-cuffs off for a little while, that he might tighten himself up. The serjeant said he could not do that, but if he would sit upon the table he would button his gaiters and jacket for him. He did so; and as he was buttoning his jacket about the breast, he said,

“Moody, you have no collar on.” Moody replied, “Never mind, we shall soon have a hempen collar that will fit us all.” Barton said, “If you have one, I shall have one too, for I stopped his horse;” Kennedy joined, and said, “But it was I who demanded his money; and as he did not give it, I brought him down with a topper of my bludgeon: I thought the horse had stamped upon his head when he was down.” They then said, that after he was down, they robbed him of a handful of notes, his watch, a half-guinea, and a crown-piece. Barton said to Kennedy, “I am sorry you beat him: when we went out I ordered you to rob but not to murder.” They then described what they had severally done after the robbery. They had all made the best of their way to the barracks, passing Deal castle, and they buried the notes that night under a large stone between the castle and the beach. Moody and Barton said, that they went home to bed. Kennedy said he went to the canteen, where he got a roll, a herring, and a pint of beer to refresh himself.

Serjeants Aylesbury and Young both corroborated this account of the last witness, and said the prisoners described what they had done in a kind of bravado manner.

William Wyburn, the constable, produced the notes and watch, which was sworn to by Mr. Leith; and he added, that he had also lost half-a-guinea and a crown-piece, as stated by the prisoners, although they were not stated in the indictment.

Mr. Hodgson, a partner in the Sandwich-bank, examined the notes, and comparing them with his book, deposed, that they were all paid by him to Mr. Leith, at Sandwich, on the day of the robbery.

The jury found all the prisoners guilty.

Barton, who was a very handsome man, pleaded much with the judge for his life: and from it having appeared that he was the least cruel of the three he received a respite, and was sent to serve his country the remainder of his life in some distant settlement; but Kennedy and Moody were executed.

## SAMUEL WILD MITCHELL,

*Executed before Newgate, January 14, 1805, for the Murder of his infant Daughter.*

IN pity to the memory of this wretched old man, we are inclined to hope that a sudden fit of frenzy alone hurried him to the commission of this most unnatural, horrid, and cruel murder.

Samuel Mitchel was a weaver; and the very day before he had murdered his daughter, a separation had taken place between him and his wife, and the child, Sally, went that night to the lodgings which her mother had taken for herself. On the next morning the little innocent returned, and was employed in quilling (i. e. putting silk on a shuttle for her father to weave with,) when the inhuman parent took a razor, and cut the child's throat from one ear to the other: the wound was four inches in length, and two inches in depth. He then left the house, confessed his guilt to an acquaintance, and then wandered about the streets till evening, when he found his way to his son-in-law's house, and was there apprehended. The officers went to his room, where the razor was found open, and covered with blood, within four or five feet of the unfortunate deceased: and, at the time the child was found, the blood was actually warm. After this had taken place, and the coroner had done what his duty required him to do, the prisoner was taken before a magistrate; and, after every merciful warning from the magistrate, he voluntarily chose to depose, and did confess the whole of this horrid transaction.

His trial came on at the sessions-house, in the Old Bailey, Jan. 12, 1805, before sir Archibald Macdonald, Knight, lord chief baron of his Majesty's court of exchequer. The appearance of the prisoner, when brought to the bar, was squalid and wretched in the extreme: his hair was grey, and his head was covered with an old miserable night-cap.

William Godby deposed, that he had been married to

the daughter of the prisoner for more than eight years that the prisoner lived, on the 18th of December, 1804 in Wheeler-street, almost opposite Flower-de-luce court Spitalfields, in the parish of Christ-church ; that the prisoner was a married man ; that he lodged in the top room of the house ; his wife, and his child Sally, the deceased, had lived with him, but he and his wife had been separated the day before this horrid transaction. The prisoner at the bar was a weaver, and Sally, the deceased, used to be employed in winding quills for her father. He saw the prisoner at nine o'clock in the morning of this transaction, and did not see him again on that day, till about ten o'clock at night : he saw the prisoner at the house where he, the witness, lodged, and he told him he should not come into his room. About half-past twelve on the same day, after he had been to the warehouse with his work, he went up to see him ; and, when he came into his room, he saw the child, Sally, lying in her blood, but did not notice the wound, he was so alarmed : he went down to the room under the prisoner's, and told Mrs. Nicholls, who lived in that room ; he then went away : he had some of his master's property about him, and that he carried home : he returned a second time, and went into the room again, and saw Mr. Kennedy, the officer, there.

Mrs. Nicholls said, that she lived in the room immediately under the prisoner ; that she was at home on the 18th of December, and said that the prisoner's wife had been with him that morning ; that she had a light of her (to light his fire) before eleven o'clock ; and that she heard Sally, the deceased, go up stairs, on her return from Spitalfields' charity-school, about twelve o'clock ; she knew it was the little girl by the step, and that when she got into her father's room, she heard the quill-wheel go, and she heard the prisoner's loom make a noise, which it usually did when he was weaving ; shortly after she heard a woman go down stairs, and after that she heard a man's foot, but did not see either of them ; that the prisoner had previously called out to her, a little before twelve, to know what o'clock it was ; and that 'Godby, the former witness,

came to her in about half an hour after she heard the quill-wheel go, and the noise of the prisoner's loom when he was weaving; that she went up with him, and saw Sally, the deceased, lying in her gore of blood; that she saw nothing of the wound, was afraid of going into the room, and called out to the landlord, "murder!" upon which he came up.

William Byron deposed, that he was on the 18th of December, the landlord of the house, No. 24, Wheeler-street, but had since removed, and that the prisoner, at that time, lodged in the garret. That on the alarm of murder, he went up stairs, and took the child by the hand; then putting his feet across the body, he lifted her up by the waist, when her head fell back, and the gash appeared to him; he then gave the alarm, that her throat was cut, and desired them to go for a surgeon, and for her father, who, he supposed, was at the Elder-tree public-house, just by: he then looked round the room, to see if he could find any instrument, but could not. He observed the quill-wheel was bloody, and the track of blood about the room; her cap was bloody, lying in the room, and she was all over blood, and so was he.

Edward Dellafour, a journeyman broad-silk weaver, saw the prisoner on the 18th, between the hours of twelve and one, at his apartments, No. 26, Skinner-street, Shore-ditch. He was at work, and the prisoner knocked at his door, upon which he let him in. The prisoner asked him to go down stairs with him, as he had something particular to communicate. He refused to leave his work, unless he would tell him his business; the prisoner then said, something had happened that day, which never had happened before, and that he should go to Newgate. Seeing him in that violent perturbation of mind, he reluctantly left his work; the prisoner having gone down stairs; and, anxious to know the cause of it, he followed, and found him at the street-door; they went about 50 yards from the witness's door; the prisoner then, with a countenance full of grief, turned round to him and said, "Ned, I shall die!" The witness asked him what had happened, or what was the matter with him; the prisoner said

directly to him, "I have killed my Sally." The witness asked him if the child was dead; the prisoner said, "Yes, I have cut her head half off." It was a very severe morning, and the prisoner was shivering with cold; the prisoner desired the witness to go with him into a public-house, that he might warm himself, and have something to drink; they went into the first public-house they came to, which was the Cock and Magpie, in Worship-street, and had a pot of beer; the prisoner called for it, and a pipe of tobacco. There were three men and a woman there, entire strangers to the witness. The prisoner then said to the witness in the tap-room, "Sit down, I have something to say to you." Seeing the strangers in the room, the witness thought it imprudent to speak before them, and desired the prisoner not to say it there; in about a quarter of an hour they went out. The witness asked the prisoner where he was going, and what he meant to do with himself. He said he was going to Shadwell to see two friends of his who were rope-makers, who would, when he was in prison, allow him a shilling or two; he then asked when the sessions would begin—the witness told him; he said, he would give himself up to justice, and suffer, with this remark, "it would make no odds to him if they cut him in a thousand pieces, for that when he went, hundreds would go at the same minute." The witness told him he should not have killed his child. The prisoner looked him in the face, and said, "I know that—do not you retort on me now it is done." The witness accompanied him as far as Whitechapel church, then shook him by the hand, and saw him no more till he saw him at the office; the witness said, the magistrate sent for him, and he gave the same account at that time that he now gave. When in the public-house with him, he observed a small quantity of blood on one of his hands.

Thomas Grice, a watchman of Bethnel-green, said, that two men came to their watch-house, and gave information that the prisoner was in Hare-street, at his daughter's,



and there the witness apprehended him, and took him to Bethnal-green watch-house, and then went and delivered him up to the officer of the Spitalfields watch-house; as soon as he saw the prisoner, the prisoner said, he was the man that was guilty of the murder, and resigned himself up.

James Kennedy, an officer of Worship-street, received information of the murder about one o'clock in the afternoon, and went with Bishop into the prisoner's room, and there saw the deceased lying with her head towards the door, with no cap on, and her throat cut quite through the windpipe; she had done bleeding when the witness saw her, but the blood lying on the floor was warm.— On the block of the quill-wheel there was a quantity of blood, and a track of blood from the wheel to where the body lay. Near the quill-wheel there was a low stool, and at the side of it he found a razor open. It was covered with fresh blood at that time. [This he produced in court, and a cap of the deceased, stained with blood, that had fallen from her head.] He, seeing there was no prospect of restoring life, with the assistance of Bishop, put the people out of the room. About twelve at night they received information that he was in Spitalfields watch-house. Armstrong and he went there to satisfy themselves, and saw the prisoner sitting by the watch-house fire. He turned his head round, and saw the witness. He said, “Kennedy, I have given you much trouble to-day in searching after me.” Armstrong said to him, “What do you mean by that? Is your name Mitchell?” He said it was. Armstrong then asked him, did he know he was charged with murdering his own daughter? and said, he had found a cap and a razor in his room. The prisoner then answered, With that razor he had often shaved himself, and with that razor he committed the horrid deed.

Joseph Moser, Esq. the magistrate of Worship-street office, stated, that the prisoner was brought before him to be examined on Wednesday, the 19th of December: he took down the whole confession of the prisoner in writing, telling him the consequences in every point of view, and

the use that would be made of it after he had signed it: he repeated it over to him several times, said it was true what he had signed, and signed it in the magistrate's presence.

The prisoner's examination, being now read in court, was as follows:

*“ Public-office, Worship-street.*

“ The voluntary confession of Samuel Mitchell, weaver, for the wilful murder of his child, aged nine years, taken by Joseph Moser, Esq. December 19, 1804.

“ I, Samuel Wild Mitchell, weaver, late of the parish of Christ Church, Middlesex, now standing at the bar of the Public-office, Worship-street, being fully apprised of the nature of my situation by the magistrate, and through him made perfectly sensible of the nature of this acknowledgment, do make this free and unbiassed confession, which is taken by my own desire:— That I had a daughter named Sally, and my wife had a daughter named Elizabeth, who at one time did live with me, but whom I afterwards took to my apartment, where I instructed her in the art of weaving, and we lived altogether; this said daughter of my wife's caused some uneasiness, as I thought: and I thought my wife was more indulgent to her faults, and favoured her more than she ought, which was the reason of our separation on the 17th of December last; my wife also took with her Sarah Mitchell, whom I loved with the most ardent affection, which vexed me a great deal, as I saw there would be a continual dispute. I could not bear the little girl coming to see me, as coming on a visit. I resolved that neither my wife nor me should possess her. I seized the moment of the mother going away: the child was sitting by the fire winding quills. I took the razor from the drawer; my affection made me almost lay it down again; but my resolution overcame that. I turned round, and cut her throat. I was too resolute to make a faint attempt; the child was dead in a moment; she neither made noise nor resistance. When I had done the deed, the child fell. As I went out, I saw her blood; then I ran down stairs. After this act was done to my child, Sarah Mitchell, I

went to a man named Bell, where I had lived, and left word for him to run and secure my master's work ; then I went to Mr. Dellafour, and my friends at Wapping.

This acknowledgment is free, and made by my own desire.

(Signed) SAMUEL WILD MITCHELL.  
Dec. 19, 1804. JOSEPH MOSER."

The prisoner having been now called on for his defence, the wretched man addressed the court and jury in a manner above his rank or appearance. His defence was nearly as follows :

" *My Lord, and Gentlemen of the Jury,*

" I stand in this place to-day, an awful spectacle of guilt and disgrace ; but I will endeavour to be as collected in my reason as possible, though at certain times and seasons I am particularly under heavy pressure of mind, which my wife well knows, and was well aware of ; that I have committed the horrid deed laid to my charge I have no wish to deny, any more than I have to avoid the dreadful punishment that awaits my guilt ; to that I am resigned ; nor was it my wish from the unfortunate moment of my crime to evade justice ; but that I committed the deed maliciously against my poor child, who was the victim of my fatal passion, I solemnly deny. Malice I had none. I declare in the presence of God, before whom I stand and make this declaration, and before whose awful tribunal I must shortly appear, instead of bearing to her malice, I loved her most tenderly. I had kind love to the child, and wished her not to be from me, and to that love, strange and perverse as it may seem, is owing chiefly the sad cause that brings me here this day. I am married to a second wife, by whom this child was my only daughter : we had long known each other before our marriage, when I was in better days, and when she and I were the wife and husband of others. I thought I could be happy with her ; but I found her temper incompatible with my happiness or her own. I found the friends and the family with which she was connected thought

her marriage to me degrading to her. Disputes and controversy, for ten years, frequently took place between us; in which, unhappily, both were in fault, too much so; those disputes were often carried to a pitch of fury (and may this sad spectacle that I now stand be a warning to others, that if they meet with double families to have more love to their duty); and what tended still more to exasperate me and aggravate our dissensions was, that those she called her friends always sided with her in every thing, whether right or wrong; and many of them, I am sorry to say, who were strenuous professors of religious principles, were always more ready to lend a hand to the creating of mischief, than to the promotion of charity and peace:—may the Lord forgive them, and take me to himself. Our disputes at last ended in a mutual agreement to separate, and the child I so tenderly loved was to go with her mother: this my unhappy temper and feeling could not bear, which led me to the fatal resolution that neither she nor I should have the child, by committing the horrid deed, by putting an end to her life in the manner I have done! I pray God Almighty to forgive me, and to direct you in your decision upon me this day; and though here I stand an object of sin and misery, yet I hope my unhappy fate will prove an awful example to those who form second marriages, with children on both sides, against giving way to intemperate disputes, that may lead them, as they have done me, to acts of desperation and vengeance, beyond the controul of reason or reflection. If my wife was present, she could vouch and prove that it was impossible I could ever have deliberately executed such an act. She could testify that my disposition was not cruel; and that when I have been the most resolute to good purposes, unfortunately, under agitations of mind, or provocations of temper, such has been my weakness, I am not always the same man; and, under such circumstances, I have very frequently been led into excesses of frenzy, which, in cool moments, have astonished me. Once in particular, urged by distress, when I had no work, I applied for relief at my

parish work-house. I had come too late in the day, when, wound up by disappointment to madness, I broke as many windows as cost the parish four pounds for the repair; and yet the parish-officers, though they might have punished me, did not, knowing that my act was the result of a mind deranged.—May the Lord forgive me, and take me to himself! I must die a spectacle of sin and horror!”

The learned judge observed to the jury, “That the fact of a person’s being overcome by any sudden paroxysm of passion to commit a deed of so flagitious a nature operated as no justification of the crime. If God afflicted any man with a temporary or occasional want of reason, that was a different question. There, from the mere occasional suspension of the reasoning faculties, the crime might have been committed; but such could by no means be compared to the case where the dereliction of the reasoning faculties had been occasioned, either by the contemplation of a circumstance, by which alone the mind was affected, or by which, after its completion, the mind could be supposed capable of being agitated. Here a strange mixture of affection was discernible amidst the cruelty which had prompted the perpetration of the deed; but he could see nothing in the case to induce him to point out to the jury any distinction between this case and the various other cases of a similar kind which presented themselves.”

After the Lord Chief Baron had made his remarks, the prisoner requested permission to speak again, which was granted immediately by the court.

“There is one single point I have to say, which my wife could attest, if she was here, as she was well acquainted with my misery, as well as my mother’s, who would frequently go into the same way: she was a very sensible woman; she would frequently ask me to cut her hair, for, unless her hair was kept cut in a very particular close manner, her weakness was upon her. So it has been with me.”

The jury having found him guilty, the prisoner was

asked what he had to say for himself, why sentence of death should not be passed according to law? The prisoner distinctly replied, "I have nothing to say."

The awful sentence, that he was to be hanged the succeeding Monday, and his body afterwards dissected and anatomized, was immediately pronounced by the Recorder; which the prisoner heard without any visible emotion. The court was crowded in every part, and particularly with ladies; and not only the women, but even the jury, the counsel, and nearly all present, were melted into tears. During the whole trial the prisoner appeared calm, but not insensible. He was very attentive to the evidence, and declined asking any questions of the witnesses. He appeared frequently to utter a low ejaculation.

On the morning after his trial, this unhappy man expressed a desire to see his wife, that they might exchange mutual forgiveness. The day following (Sunday), she came to visit him in Newgate, but so ill, that she was obliged to be brought in a hackney coach, supported between two friends. As soon as the distressing interview was over, he applied himself devoutly to prayer, in which he continued nearly the whole of the day. On that day he was extremely solicitous to obtain Dr. Ford's promise to publish to the world that he died in the faith of the church of England; and he was the more anxious it should be done, as it had been generally understood that he belonged to the sect denominated Methodists. At half past six o'clock, Mitchell's cell was unlocked, and the ordinary attended him to the chapel to prayers; which being concluded, he returned to the press-yard, and there walked for some time, holding two friends by the arms; meanwhile his mind was occupied with his unhappy situation: he begged of all around him to pray with him. He first put up a prayer to Heaven for his own soul; next invoked a blessing on his wife, his two daughters by a former marriage, his son and daughter-in-law, in the most pathetic manner. The unhappy man blessed the memory of his murdered child, and trusted the sacrifice he was about to make would, in some degree,

expiate his crime in heaven, which he did not despair to see. Then, in language which would have done credit to the pulpit or the bar, he besought God to grant his Majesty health and long life; to endue his ministers with wisdom, that it might be applied to the happiness and prosperity of his country, which, notwithstanding the convulsions by which it was surrounded, he prayed might endure under its present form of government till time shall be no more. He then expressed his gratitude to the magistrates, and to Mr. Newman, the keeper of the prison, for his humane consideration of him. He expressed himself most gratefully to Dr. Ford, for the consolation he had afforded him by his admonition and counsel, and repeatedly acknowledged, that he felt more comfort in the prospect of death, than he should in life, were a reprieve offered him.

His last petition was to the sheriffs, to request that, after the surgeons had practised upon his body, his mangled remains might be given to his daughter, for burial; which request the sheriffs promised should be complied with.

On Monday morning, January the 14th, at a very early hour, every avenue leading to the Old Bailey was crowded by persons of various descriptions, all eager and anxious to witness the last moments of this unhappy man; indeed a greater crowd was seldom seen on any similar occasion; the houses then erecting in front of Greenharbour-court, St. Sepulchre's church, the pump, and the various lamp-irons, were all filled with the anxious multitude.

About five minutes past eight o'clock the wretched man came out of Newgate. His demeanour was perfectly calm, and he appeared most completely resigned to his fate. He was attended by the Ordinary, who stood before him until the drop fell.

Mitchell seemed to attend with much earnestness and fervour to the admonitions of the clergyman, and he was seen to clasp his hands together the instant the rope was fixed. He was not allowed to remain long on the scaffold, as he was tied up almost on the instant after he

came up. After the drop fell, he exhibited several times the appearance of feeling great pain, as he swung round twice, which was occasioned by the violence of the convulsive struggles he sustained.

His body was, after hanging the usual time, cut down, and taken to St. Bartholomew's hospital for dissection.

## HENRY PERFECT,

(ALIAS THE REV. MR. PAUL, REV. MR. BENNET, &c.)

*A most plausible Swindler, transported to Botany Bay, in April 1805.*

No one was a greater proficient in this most specious kind of villainy than the subject of the following narrative. He had long carried on his depredations on the public without detection, under assumed names and characters, and whose plans for duping the credulous were, perhaps, the most artful that ingenious wickedness could contrive. He was the son of a clergyman in Leicestershire, and formerly a lieutenant in the 69th regiment of foot. He was twice married, and had considerable property with each wife. Having been at length found out in his impositions, he was indicted on the statute of Geo. II. for obtaining money under false pretences from the Earl of Clarendon. His trial, which occupied the whole of the day, and excited universal attention, came on at the Middlesex sessions, Hick's-hall, October 27, 1804. Mr. Gurney, in a very able and eloquent address, expatiated on the enormous guilt of the prisoner, who had personated the various and imaginary characters of the Rev. Mr. Paul, the Rev. Daniel Bennet, Mrs. Grant, Mrs. Smith, &c. and who also had the art of varying his handwriting on every occasion, having kept notes in what hand every original letter had been written, with what kind of wafer or wax it was sealed, &c. He likewise kept his book of accounts as regular as any merchant in London.



The Earl of Clarendon having been at his seat near Wade's Mill, Hertfordshire, in the month of July, 1804, received a letter, which was read in evidence: it was signed H. Grant, and stated in substance as follows:—

That the writer having heard from a lady, whose name she was not at liberty to reveal, the most charming character of his Lordship for kindness and benevolence, she was induced to lay before him a statement of her distressed circumstances. The supposed lady then detailed her case, which was, that she was a native of Jamaica, of affluent and respectable family; that a young man, a Scotchman, and surgeon's mate to a man of war, was introduced at her father's house, who so far ingratiated himself with her father, that he seriously recommended him to her for her husband. She did not like him, because he was proud, and for ever vaunting of his high family; but as her father's will had always been a law, she consented, on condition that he would live at Jamaica. They were accordingly married, and her father gave him 1000*l*. He, however, soon became discontented with remaining at Jamaica, and continually importuned her to go with him to Scotland; and, as her friends joined in the solicitation, she consented. They had now been six months in England; but her husband always evaded going to Scotland, and left her whenever she spoke upon the subject. In short, he gamed, drank, and committed every excess; and within the last six weeks he died of a rapid decline, leaving her a widow with two children, and hourly expecting to be delivered of a third. A lady had given her such a character of his Lordship, that she was induced to implore his assistance. She was not twenty-three years of age, and never knew want till now; but she was left without a shilling to support herself and miserable children: she owed for her husband's funeral, and the apothecary's bill, for which she was afraid of being arrested. To avoid this, she was going to seek shelter with a poor widow in Essex; and if his Lordship would write to her at the Post-office, at Harlow, if she were brought to bed in the mean while, she would get some safe person to go for his Lordship's letter.

His Lordship's answer to this letter evinced the most benevolent heart. He expressed his readiness to alleviate her distress, but justly observed it ought to be authenticated by something more than the recital of a perfect stranger. He desired to know who the lady was who had recommended the application to him, and assured the writer she need not conceal her, for he considered it was doing him a great kindness, to afford the means of rendering service to the distressed. On the 14th of July his Lordship received a note nearly as follows :

Mrs. Smith, widow of captain Smith, begged leave to inform Lord Clarendon, that Mrs. Grant was brought to bed. It was she who recommended Mrs. Grant to Lord Clarendon : while her husband was living, she had frequently been with him on the recruiting service in Hertfordshire, where she had heard of the benevolent character of his Lordship, and recommended Mrs. Grant to state her case to his Lordship. She added, that captain Smith, when in Jamaica, had frequently visited Mrs. Grant's father, who was a person of great wealth ; that she had herself done more than she could afford, for an amiable and unfortunate young woman. She had no doubt, but that as soon as she could receive an answer from Jamaica, but that Mrs. Grant's father would send her abundant relief ; but till then she might, without the friendship of some one, be totally lost.

In consequence of this last note, his Lordship returned an answer, and inclosed a draft for five guineas, offering at the same time to write to any person at Harlow, who might be of assistance to her, particularly to any medical person. On July the 23d, the supposed Mrs. Grant wrote again to his Lordship, acknowledged the receipt of the five guineas, and stated that she had the offer of a passage home : she wished to see his Lordship, to return her grateful thanks, &c. at the same time she was extremely delicate lest their meeting should be misconstrued by a malignant world, and entreated it might take place a little distance from town. The answer to this letter she begged might be addressed to A. B. C. at George's coffee-house, to which place she would send for it. His

Lordship, at her request, wrote an answer, and appointed the Bell-inn, at Kilburn. Before, however, the arrival of the day of meeting, his Lordship received another letter from Mrs. Grant, stating, that ever since she came to town she had met nothing but trouble. Her last child had died, and she was seized with a milk-fever; that she had twelve shillings left of his Lordship's, and Mrs. Smith's bounty, when she came to town; that she was afraid of coming further than Whitechapel, lest her creditors might arrest her, where she was at present miserably lodged in only one room: she concluded with a request of the loan of five pounds, to be inclosed in a note addressed to Mr. Paul, to be left at the Saracen's Head inn, Aldgate. His Lordship in reply to this note, sent the money requested, and with great humanity condoled on her supposed situation. He then purposed to take her into the country, where she might live quiet, and free of expence, until she heard from her friends. The next letter introduced another actor on the stage. It came from the Rev. H. Paul. Mr. Paul, at the desire of Mrs. Grant, (then said to be delirious) acknowledged the receipt of the five pounds. He would write again, and say any thing Mrs. Grant might dictate in a lucid interval. He begged his answer might be left at the Chapter coffee-house. His Lordship accordingly wrote to the Rev. H. Paul, with particular enquiries after the state of Mrs. Grant, and proposed to send her proper medical assistance. The Rev. Mr. Paul replied to his letter, and stated the nature of Mrs. Grant's complaint, which was of a delicate nature. He then stated the high notions of Mrs. Grant, who would not condescend to see any person from his Lordship, in her present wretched state. She thought her situation such, that it was not delicate to admit any one to see her, but those absolutely necessary. Mr. Paul, therefore, promised (he said) not to divulge her residence; but, in her lucid intervals, she expressed the utmost anxiety to be enabled to thank her benefactor.

This correspondence produced a meeting between the supposed Rev. H. Paul and his Lordship, which took

place at the Bell-inn, at Kilburn, on the 8th of August. The prisoner then introduced himself to his Lordship as the Rev. Henry Paul. They entered into conversation on the subject of Mrs. Grant, when his Lordship asked every question as to her situation, with a view to alleviate it. Mr. Paul said he had not seen her distinctly, for the curtains were closed round her, but the opium had had an effect which he had known it frequently to produce; it had given her eyes a more than usual brilliancy: with respect to her lodging, it was a very small room. The woman who attended her seemed a good sort of a woman enough, and she was also attended by a surgeon or apothecary. As Mr. Paul seemed to be a man of respectability, his Lordship asked him at what seminary he had been brought up: the prisoner replied, he had been educated at Westminster and Oxford, and had the living of St. Kitt's in Jamaica, worth about 700*l.* per annum; that he had property in Ireland, and was going to America on private business. To his Lordship's question how he was so fortunate to meet this young woman, he said it was by accident, that quite looked like a romance. He was coming to town in the Ongar stage, in which was a young woman, two children, and a lady, all in mourning. He entered into conversation with her, and was surprised to find her the daughter of a person at whose house, in Jamaica, he had himself been frequently received with kindness. Although his business pressed, he determined to stay and afford her some assistance. He then stated that he had that day given her a 2*l.* note, which his Lordship, at this interview, returned (being the note on which the indictment was founded). He added, that Mrs. Grant's father was extremely affluent, and he should not wonder if he was to remit 500*l.* at the first intelligence of his daughter's situation. His Lordship added, that he expressed himself in the language of the purest truth and benevolence; and as he appeared a well educated gentleman who had seen the world, his Lordship had no suspicion of any fraud.

After this interview, a correspondence ensued between Mr. Paul and his Lordship; the former informing his

Lordship daily of the state of Mrs. Grant's health, accompanied with requests for linen, poultry, fruit, and wine, all of which were supplied by the bounty of his Lordship.

At length Mrs. Grant was sufficiently recovered to write to his Lordship; in which letter she remarked, that but for the kind assistance of the Rev. Mr. Paul, she should have been lost. And although she was ordered by her medical attendant to keep herself perfectly quiet, yet she sat up in bed to write to his Lordship, and anticipated the pleasure of her meeting her benefactor. The last letter from Mr. Paul was dated August 13. He acknowledged the receipt of 6*l.* 2*s.* which had been expended for Mrs. Grant; and informed his Lordship, that the sheets which had been sent had, by some accident, been near brimstone, which affected Mrs. Grant very much; that her situation required fine old linen, if his Lordship had any such. He apologized, if there be any inaccuracy in his letter, because he *had a head-ach and some degree of fever.*

The farce now began to draw to its conclusion. His Lordship received another letter from Mrs. Grant, dated Saturday, August 11, in which the supposed lady said:—

“ Last Saturday, her father's sister came to town, and found her out. She was a sour old lady, a man-hater, and snarled at the whole sex. She had taken Mrs. G. into the country with her, although she was removed at the peril of her life. The lady she was with was nearly as bad as her aunt; but as the latter was going out for a few days, her Argus would let her come to town, which would enable her to meet his Lordship. As her ill-tempered aunt had given her neither money nor clothes, she begged 4*l.* of his Lordship. If this opportunity was lost, she should never be able to see him, as her aunt was a vigilant guarded woman, and hated the men so much, that at the first entrance into her room, finding the Rev. Mr. Paul there, she most grossly affronted him. She could not have any letter addressed in her own name, lest it should fall into the hands of her aunt, and there-

fore begged his Lordship to direct to Mrs. Harriet, Post-office, Waltham."

His Lordship, in answer to this letter, expressed some suspicions that he had been duped; in answer to which Mrs. Grant thanked Lord Clarendon for his favours, was sorry to think he should conceive himself duped, but he would find his mistake when she got home to the West Indies. In a postscript she added—"That best of men, Mr. Paul, died suddenly on Saturday last."

This closed the intercourse between his Lordship and his correspondents, Mrs. Grant and Mr. Paul. Soon afterwards he received another letter from a Rev. Mr. Bennet, setting forth a deplorable tale of misery; but his suspicions being awakened, he employed his steward to trace the supposed Rev. Mr. Bennet; when it turned out to be the prisoner at the bar, who had imposed himself on his Lordship, as the Rev. Mr. Paul, that "best of men," whom Mrs. Grant stated to have died suddenly. His lodgings being searched, a book was found in his own hand-writing, giving an account of money received (by which it appeared, that he had plundered the public to the amount of 488*l.* within the last two years), with a list of the donor's names, among whom were the Duchess of Beaufort, Lord Willoughby de Broke, Lord Lyttleton, Lady Howard, Lady Mary Duncan, Bishops of London, Salisbury, and Durham, Earls of Kingston and Radnor, Lord C. Spencer, Hon. Mrs. Fox, &c. &c.

The jury found the prisoner guilty, and the court immediately sentenced him to seven years' transportation. He was sent to Botany Bay in April, 1805.

## THOMAS PICTON, ESQ.

(LATE GOVERNOR OF TRINIDAD,);

*Convicted February 24, 1806, of applying a most cruel Torture, in order to extort Confession from Louisa Calderon.*

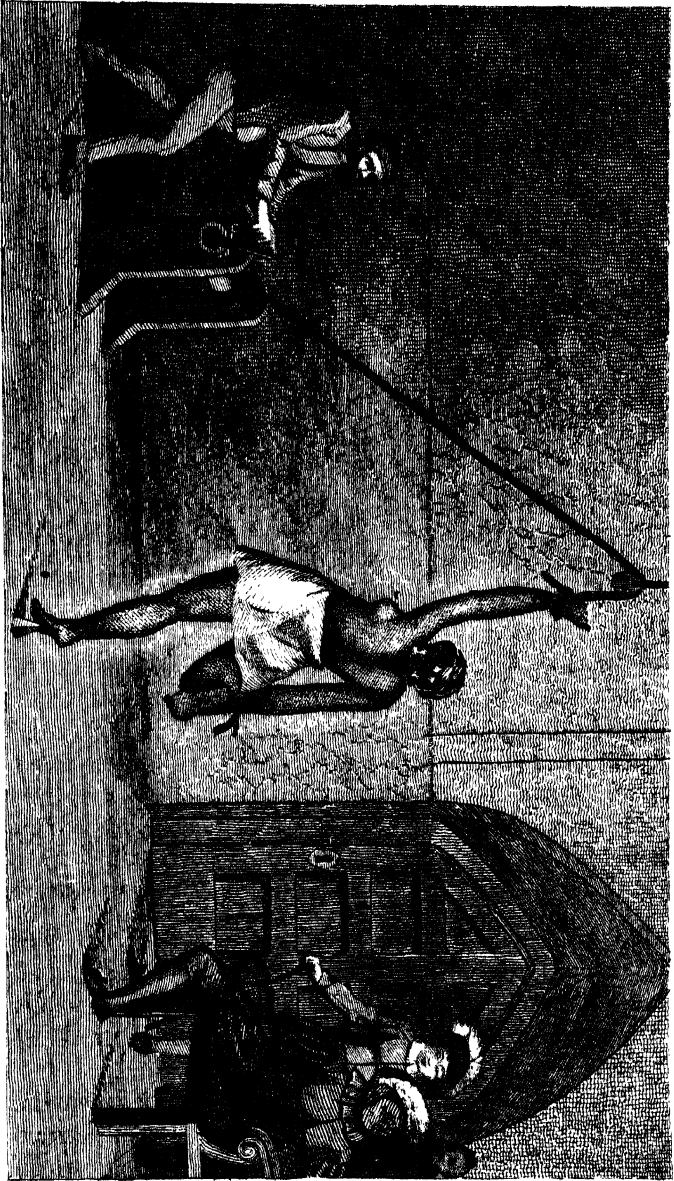
“ALL mankind being exposed to the attempts of violence and perfidy, detest the crimes of which they may possibly be the victims: all desire that the principal offender and his accomplices may be punished; nevertheless, there is a natural compassion in the human heart, which makes all men detest the cruelty of torturing the accused into confession. The law has not condemned him, and yet, though uncertain of the crime, you inflict a punishment more horrible than that which they are to suffer when their guilt is confirmed. ‘Possibly thou mayest be innocent; but I will torture thee that I may be satisfied; not that I intend to make thee any recompence for the thousand deaths which I have made thee suffer, in lieu of that which is preparing for thee.’ Who does not shudder at the idea? St. Augustine opposed such cruelty. The Romans tortured their slaves only; and Quintillian, recollecting that they were men, reproved the Romans for such want of humanity.”

VOLTAIRE on Crimes and Punishments.

The indictment, on which governor Picton was brought to trial, charged him with inflicting torture, in order to extort confession from Louisa Calderon, one of his Majesty’s subjects in the island of Trinidad, in the West Indies.

Mr. Garrow rose to address the jury, and said, that the duty had devolved to him, by the removal of a learned gentleman \* from this court to an exalted station; which

\* Mr. Erskine, who was retained as leading counsel for the crown, and, a short time before the trial, was appointed lord high chancellor of England.



*How? Pitkin's (muddy...)*





deprived them of the advantage of his greater abilities, to lay before them a statement of the singular and horrid transaction which was the subject of this prosecution; and although he should acquit himself zealously of the obligation imposed upon him, to bring to light, and con-dign punishment, an offence so flagrant as that charged upon the defendant, yet much more happy would he be, to find that there was no ground upon which the charge could be supported, and that the British character was not stained by the adoption of so cruel a measure as that alledged in this prosecution.

“ The island of Trinidad (added Mr. Garrow) surrendered to that illustrious character, Sir Ralph Abercrombie, whose name will ever invite gratitude and admiration, in the year 1797; and he entered into a stipulation, by which he conceded to the inhabitants, the continuance of their laws, and appointed a new governor, until his Majesty’s pleasure should be known, or in other words, until the king of England, in his paternal character, should extend to this new acquisition to his empire, all the sacred privileges of the laws of England. I have the authority of the defendant himself for stating, that the system of jurisprudence adopted under the Spanish monarch, for his colonial establishments, were benignant, and adapted to the protection of the subject, previous to the surrender of this island to the British arms.

“ In December, 1801, when this crime was perpetrated, Louisa Calderon was of the tender age of ten or eleven years. At that early period, she had been induced to live with a person of the name of Pedro Ruiz, as his mistress; and, although it appears to us very singular, that she should sustain such a situation at that time of life, yet it was a fact, that, in this climate, women often become mothers at twelve years old, and were in a state of concubinage, if, from their condition, they could not form a more honourable connection. While she lived with Ruiz, she was engaged in an intrigue with Carlos Gonzalez, the pretended friend of the former, who robbed him

of a quantity of dollars. Gonzalez was apprehended, and she also, as some suspicion fell upon her, in consequence of the affair. She was taken before the justice, as we, in our language, should denominate him, and in his presence she denied having any concern in the business. The magistrate felt that his powers were at an end; and whether the object of her denial were to protect herself, or her friend, is not material to the question before you. The extent of his authority being thus limited, this officer of justice resorted to general Picton; and I have to produce, in the hand-writing of the defendant, this bloody sentence: 'Inflict the torture upon Louisa Calderon.' You will believe there was no delay in proceeding to its execution. The girl was informed in the gaol, that if she did not confess, she would be subjected to the torture; that under the process she might probably lose her limbs or her life, but the calamity would be on her own head, for if she would confess, she would not be required to endure it. While her mind was in the state of agitation this notice produced, her fears were aggravated by the introduction of two or three negresses into her prison, who were to suffer under the same experiment for witchcraft, and as means of extorting confession. In this situation of alarm and horror, the young woman persisted in her innocence; the punishment was inflicted, improperly called picketing, which is a military punishment, perfectly distinct. This is not picketing, but the torture. It is true, the soldier, exposed to this, does stand with his foot on a picket, or sharp piece of wood, but, in mercy to him, a means of reposing is afforded, on the rotundus major, or interior of the arm. This practice, I hope, will not in future be called 'Picketing,' but 'Pictoning,' that it may be recognized by the dreadful appellation which belongs to it. Her position may be easily described. The great toe was lodged upon a sharp piece of wood, while the opposite wrist was suspended in a pulley, and the other hand and foot were lashed together. Another time the horrid ceremony was repeated, with this difference, that her feet were changed."

[The learned counsel here produced a drawing in wa-

ter colours, in which the situation of the sufferer, and the magistrate, executioner, and secretary, was described. He then proceeded :]

“ It appears to me, that the case, on the part of the prosecution, will be complete when these facts are established in evidence ; but I am to be told, that though the highest authority in this country could not practise this on the humblest individual, yet, that by the laws of Spain it can be perpetrated in the island of Trinidad. I should venture to assert, that if it were written in characters impossible to be understood, that if it were the acknowledged law of Trinidad, it could be no justification of a British governor. Nothing could vindicate such a person, but the law of imperious necessity, to which we must all submit. It was his duty to impress upon the minds of the people of that colony, the great advantages they would derive from the benign influence of British jurisprudence ; and that in consequence of being received within the pale of this government, torture would be forever banished from the island. It is, therefore, not sufficient for him to establish this sort of apology ; it is required of him to shew, that he complied with the institutions under the circumstances of irresistible necessity. This governor ought to have been aware, that the torture is not known in England ; and that it never will be, never can be, tolerated in this country.

“ The trial by rack is utterly unknown to the law of England, though once, when the Dukes of Exeter and Suffolk, and other ministers of Henry VI. had laid a design to introduce the civil law into this kingdom, as the rule of government, for a beginning thereof they erected a rack for torture, which was called in derision the Duke of Exeter’s daughter, and still remains in the Tower of London, where it was occasionally used as an engine of state, not of law, more than once in the reign of Queen Elizabeth. But when, upon the assassination of Villiers, Duke of Buckingham, by Felton, it was proposed in the Privy Council to put the assassin to the rack, in order to discover his accomplices ; the judges, being consulted, declared unanimously, to their own honour, and the

honour of the English law, that no such proceeding was allowable by the laws of England.

“ Such are the observations of the elegant and learned author of the Commentaries of the Law of England on this subject ; and as the strongest method of shewing the horror of the practice, he gives this question in the form of an arithmetical problem.

‘ The strength of the muscles, and the sensibility of the nerves, being given, it is required to know what degree of pain would be necessary to make any particular individual confess his guilt.’

“ But what are we to say to this man, who, so far from having found torture in practice under the former governors, has attached to himself all the infamy of having invented this instrument of cruelty ? Like the Duke of Exeter’s daughter, it never had existence until the defendant cursed the island with its introduction. I have incontrovertible evidence to shew this ingenuity of tyranny in a British governor ; and the moment I produce the sanguinary order, the man is left absolutely without defence. The date of this transaction is removed at some distance. It was directed that a commission should conduct the affairs of the government, and among the persons appointed to this important situation was colonel Fullarton. In the exercise of his duties in that situation, he attained the knowledge of these facts ; and with this information, he thought it incumbent on him to bring this defendant before you ; and with the defendant, I shall produce the victim of this enormity, whom, from the accident of my being conducted into a room by mistake, I have myself seen. She will be presented before you, and you will learn she at this moment bears upon her the marks of the barbarity of the defendant. In due time you will hear what my excellent and amiable friend near me has to offer in behalf of his client ; I state the case at present with full confidence in your verdict ; I ask nothing from your passions ; nothing but justice do I require, and I have no doubt at the end of this trial that you will be found to have faithfully exercised your important duty.”

Louisa Calderon was then called. She appeared about eighteen years of age, of a very interesting countenance, being a mulatto or creole, of a very genteel appearance. She was dressed in white, with a turban of white muslin, tied on in the custom of the country. Her person was slender and graceful. She spoke English but very indifferently; and was examined by Mr. Adam, through the medium of a Spanish interpreter.

She deposed, that she resided in the island of Trinidad, in the year 1798; and lived in the house of Don Pedro Ruiz, and remembered the robbery. She and her mother were taken up on suspicion, and brought before governor Picton, who committed them to prison, under the escort of three soldiers; she was put into close confinement; and before she was taken there the governor said, "If she did not confess who had stolen the money, the hangman would have to deal with her." She knew Beggerratt, the magistrate, or lord mayor. He came to the prison, and examined her on the subject of the robbery many times, and on different days. De Castro, the clerk of the magistrate, also attended, and took down her depositions.

She was then carried to the room where the torture was prepared. Here her left hand was tied up to the ceiling by a rope, with a pulley; her right hand was tied behind, so that her right foot and hand came in contact, while the extremity of her left foot rested on the wooden spike.

A drawing, representing the exact situation, with the negro holding the rope by which she was suspended, was then shewn to her; when she gave a shudder, expressive of horror, which nothing but the most painful recollection of her situation could have excited; on which Mr. Garrow expressed his concern, that his lordship was not in a position to witness this accidental, but conclusive, evidence of the fact.

Lord Ellenborough objected to the exhibition of this drawing to the jury, until Mr. Dallas, on the part of his client, permitted it to be shewn to them. The examination then proceeded, and the remainder of Louisa Calde-

ron's evidence corroborated the statement of Mr. Garrow. She remained upon the spike three quarters of an hour, and the next day twenty-two minutes. She swooned away each time before she was taken down, and was then put into irons, called the "Grillos," which were long pieces of iron, with two rings for the feet, fastened to the wall; and in this situation she remained eight months. A drawing of this instrument was also produced, which the witness said was an exact representation.

The effect of the picket was excruciating pain; her wrists and ancles were much swollen; and the former bore the marks to the present day. In reply to a question by Lord Ellenborough, she said her feet were without shoes and stockings.

The *goaler*, Bullo, the magistrate Francisco de Castro, and Rafael, an *alguazil*, with the executioner, were present at these pickettings.

Don Rafael Shando also, assisted by the interpreter, said, that he was an *alguazil*, in the island of Trinidad, in the year 1801; that he returned from the interior of the country on the 22d of December and saw Louisa Calderon in *gaol*; that they were then giving her a glass of water, after bringing her down from the torture. She was supporting herself on a table; it was about seven o'clock in the evening. Beggerrat desired witness to bring Carlos Gonzalez up, and told her, that she must repeat to Carlos what she had said to him.

After this interview, at which nothing transpired, she was instantly put in the *grillos*, and in the same room in which she had suffered the torture. The apartment was like a garret, with sloping sides, and the *grillos* were so placed that, by the lowness of the room, she could by no means raise herself up, during the eight months of her confinement.

On the 23d of December she was again put to the torture, between eleven and twelve in the morning, and she remained in this situation for twenty-two minutes by the watch.

The witness here examined the drawing, and described

the position much in the way it had been before represented, and then added,—She fainted twice in his arms. Beggerratt sent vinegar to the executioner, to administer to her in this situation.

There was no advocate appointed to attend on her behalf, and no surgeon to assist her. No one but a negro, belonging to Bullo, the gaoler, to pull the rope. As soon as she was taken down, she was put into the grillos. The witness had seen her sister bring her victuals, but never noticed the admission of her sister or her friend, into the gaol. The witness had been four or five years in the post of alguazil. He never knew the torture inflicted in the island until the arrival of the defendant. There had been before no instrument for the purpose. The first he saw was in the barracks among the soldiers.

Before Louisa Calderon, the instrument had been introduced into the gaol perhaps about six months. The first person he saw tortured in Trinidad, was by directions of the defendant, who said to the gaoler, “Go and fetch the black man to the picket-guard, and put him to the torture.”

After the eight months confinement, both Carlos and Louisa were discharged.

On his cross-examination by Mr. Laws, he said, that Carlos was discharged at the time the judge ordered him to bring the money; that he went from the island, he did not know by whose orders, and that he took his passage to Margarita.

Don Juan Montes said, that he was acquainted with the hand-writing of the defendant, and proved the document containing the order of the torture, expressed in

“*Aplicase la question a Louisa Calderon.*”

(Signed)

THOMAS PICTON.

After some observations from Mr. Dallas, which were answered by Mr. Garrow, the lord chief justice ruled, that the application of the alcade Beggerratt, which led to the issue of this order, should be read.

\* i. e. Put Louisa Calderon to the torture, or the question.



Mr. Lowton then read the representation of this officer, advising, that slight torture should be applied, stating that his own authority was incompetent to do it, without the order of the governor, and giving the result of the proceedings in the course of the examinations Louisa Calderon had undergone. The instrument was countersigned by Francisco de Castro.

Don Juan Montes said, that he had known the island of Trinidad since the year 1793. That the torture was never introduced until after the conquest of the island, and was then practised by order of the defendant. It was first used with the military in 1799, and two years afterwards in the gaol.

Mr. Garrow then intimated to the court, that he had many more witnesses to these facts, but did not think it necessary to waste the time of the court with any more of them.

Lord Ellenborough thought the evidence was sufficient on these points.

Mr. Dallas, for the defendant, rested his defence upon the following statements:—

First,—By the law of Spain, in the present instance, torture was directed; and being bound to administer that law, he was vindicated in its application.

Secondly,—The order for the torture, if not unlawfully, was not maliciously issued.

Thirdly,—If it were unlawful, yet if the order were erroneously or mistakenly issued, it is a complete answer to a criminal charge.

The learned counsel entered at considerable length into these positions, during which he compared the law of Spain as it prevailed in Trinidad, with the law of England, as it subsisted in some of our own islands; and he contended, that the conduct of general Picton was gentleness and humanity, compared to what might be practised with impunity, under the authority of the British government.

After a long interlocutory discussion, several items of the examination taken on the island for the purpose of this cause were read by the clerk of the court.

The next testimony adduced was that of Mr. Gloucester, the attorney-general of his Majesty in the island, who deposed to the authenticity of several books on the laws of the island, among which were the *Elisondo*, the *Curia Philippica*, the *Bobadilla*, the *Colom*, and the *Recopilacion des Leys*.

Various passages in these books were then referred to, and translated, for the purpose of shewing, that torture was not only permitted in certain cases, but in the particular instance before the jury.

Mr. Garrow was then allowed to call a witness, to shew, that however such a law might at any time have existed, or might still exist, in Spain, it did not prevail in the West-Indian colonies of that power. To this end, Don Pedro de Vargass was sworn. He deposed that during the early part of his life, he had been regularly initiated and admitted to the office of an advocate at the Spanish law-courts in the colonies; that he had practised, after his admission, in the regular course, for two years, and had resided, for a shorter or more extensive period at five or six of the West-Indian islands, in the pursuit of his profession; and that, according to his knowledge of the *Book of Recapitulation*, by which the laws are administered, there was nothing contained in it to justify the infliction of torture, nor was torture, to his knowledge, ever resorted to. He had not ever seen or heard of instruments for torture being kept in the gaols, or elsewhere.

In reply to a question, "Do you know of any existing Spanish law whatever, which warrants the application of torment?" he said, that there was a law of Old Castile, of the year 1260, which justified it in certain cases; but he never understood it extended to the West-India colonies; and it had long been so abhorrent in Spain, that, if not repealed, it was fallen entirely into disuse.

On cross-examination by Mr. Dallas, he said, that he did not know of any law which forbade the practice of torturing persons in the colonies; and admitted, that he had been employed by colonel Fullarton, as an inter-

preter and translator of part of the evidence to be employed in this prosecution.

In answer to a question from Lord Ellenborough, Mr. Dallas said, that he certainly was not prepared with any parole evidence, to prove that the use of torture prevailed generally in the Spanish West-Indies.

Lord Ellenborough appeared to be about to close the case here, with the observation, that the special verdict which had been consented to, was granted on the supposition that a greater contrariety of evidence on the subject of the law of the colony, would have been elicited than now really appeared; but it was thought it would perhaps be better, before the jury were called on for a general verdict, that the counsel should, if they thought proper, address to them what observations they might have to make.

Mr. Dallas then rose and said, that in the stage of the investigation to which the jury had arrived, he should content himself with submitting to their determination the single fact, unincumbered with any question of his; whether the criminal judge by the law of Spain could, in any instance order the application of torture? to prove that the discretion did rest with that officer; he did not call to them persons who spoke from the observation they had made during any short periods they might have resided in the colonies; but he produced to them the unequivocal testimony of books of the first law authority, which were constantly resorted to, as had been proved by the judges, on all occasions of doubt or difficulty. As charitable men, and as men of sense, must they not conclude that this code of reference was correctly elucidatory of the law, as it was meant to be dispensed? The works of distinguished civilians, writing upon the jurisprudence of their country, were a ground upon which he felt he stood firmly in defence of his client. The law of 1260 was proved by them to have existed, and to be still existing, to the date of the works of the last writer he had cited. No attempt had even been made by the ingenious counsel to shew that the universality of the Spanish law, as applied to the colonies, had been broken in upon

by any special privilege enjoyed at Trinidad ; and he would ask, therefore, could the jury, upon their oaths, decide, that what had transpired there, and was the subject of this prosecution, was not agreeable to a law that had authorised it, and which there was no proof had fallen into disuse.

Mr. Garrow said, that he looked at this case as he regarded the honour of our country, and the *redress of a stranger*, who had visited our land to procure it. If the defendant had had an *English heart in his bosom*, he would have wanted no restrictive provisions to have guarded from the *commission of sanguinary acts*. He feared that it remained to the disgrace of the British name, that general Picton was the *first* man to stretch authority, and order torture to be established in the island of Trinidad. After a few other animated observations Mr. Garrow said, he left the case to the decision of the jury, confidently anticipating their verdict.

Lord Ellenborough recommended to the jury, to divest their minds of every feeling which they might have contracted in the course of the present trial, and to throw every part of the case out of their consideration, except that which related to this simple point. What was the law by which the island of Trinidad was governed at the period of its capture by the British ? It was for the consideration of the jury, if the law then subsisting authorised personal torture as to witnesses. By the indulgence of the government of this country, the subsisting law was to continue ; the question was, What was that subsisting law ? The jury would attend, that it did not necessarily follow, because Trinidad was a colony of Old Spain, that it must therefore, in every part, have the laws of Old Spain. It did not originally form any part of that country, but had been annexed to it ; and on what terms, there was no positive evidence. It did not appear that either the schedule peculiar to this island, or the recapitulation, embraced the criminal law, or made any mention of torture. So, if torture did subsist in this island, it must be on the authority of law books read to the jury, which it was for them to say, whether they were

sufficient to satisfy them of that fact. It was ascertained by a person of thirty-two years of age, and who had been almost all his life-time in the island ; by another person who had been an alcade ; by Mr. Nugent, who had resided in the island since the year 1786 ; and by a person who had studied the law of New Spain, and had known the Spanish West Indies from his infancy, that torture had not, to their knowledge, or within their recollection, ever been practised in the island. It was, therefore, for the jury to say, in absence of all positive proof on the subject, and in the face of so much negative evidence, if the law of Spain was so fully and completely established in Trinidad as to make torture a part of the law of that island. Without going through the authorities, he thought the jury might take it to be the existing law of Old Spain, that torture might be inflicted. It was too much to say, that a discontinuance of a practice could repeal a law ; but still it was for them to say, if they were convinced, that torture had ever been part of the law of Trinidad. Our law books might be recognized in Jamaica, but yet it did not follow that every thing in them must extend to our colonies. It was, therefore, for them, on the whole, to say, if they were convinced that torture was part of the law of Trinidad at the time of its capture. If so, they would enter a special verdict ; if otherwise, they would find the defendant guilty.

The jury found—There was no such law existing in the island of Trinidad, as that of torture, at the time of the surrender of that island to the British.

Lord Ellenborough—“ Then, gentlemen, general Picton cannot derive any protection from a supposed law, after you have found that no such law remained in that island at the surrender of it, and when he became its governor ; and therefore your verdict should be, that he is guilty.”

By the direction of Lord Ellenborough, they therefore found the defendant “ Guilty.”

The trial lasted from nine in the morning till seven at night.

Governor Picton walked the hall of the Four Courts

during the whole of the trial. He is a tall man, of a very sallow complexion, apparently about fifty years of age, and was dressed in black. He was accompanied by several of the civil officers of the island.

Mr. Dallas moved, on the 25th of April, for a new trial. He stated, that the defendant was a person of respectability and character in his Majesty's service, as governor of the island of Trinidad. He solicited for a new trial upon the following grounds :

First,—The infamous character of the girl, who lived in open prostitution with Pedro Ruiz, and who had been privy to a robbery committed upon her paramour by Carlos Gonzalez ; and, when a complaint laid against her, had been brought before a magistrate, she, refusing to confess, had been ordered to be tortured.

Secondly,—That governor Picton, who condemned her to this torture, did not proceed from any motives of malice, but from a conviction that the right of torture was sanctioned by the laws of Trinidad ; and that he was rooted in this opinion by a reference to the legal written authorities in that island.

Thirdly,—That whatever his conduct might be, it was certainly neither personal malice, or disposition to tyranny, but resulted, if it should prove to be wrong, from a misapprehension of the laws of Trinidad.

Fourthly,—That one of the principal witnesses in this trial, M. Vargass, had brought forward a book, intitled " *Recopilacion des Leys des Indes,*" expressly compiled for the Spanish colonies, which did not authorise torture. The defendant had no opportunity of ever seeing that book ; but it had been purchased by the British Institution at the sale of the Marquis of Lansdowne's library, subsequent to his trial ; and, having consulted it, it appeared, that where that code was silent upon some criminal cases, recourse was always to be had to the laws of Old Spain, and these laws, of course, sanctioned the infliction of torture.

The court, after some consideration, granted the rule to shew cause for a new trial.

## RICHARD PATCH,

*Executed on the top of the New Prison, in the Borough of Southwark, April 8, 1806, for Murder.*

THE following case is a singular instance of the inefficiency of the most deliberately planned scheme, or the most artful preparatory measures to make suspicion fall upon the guiltless to conceal the crime of murder. The ungrateful and cruel Richard Patch used every precaution in his power, in the murder of his benefactor, Mr. Isaac Blight, a ship-breaker, of Rotherhithe, but his hypocrisy could not conceal his guilt.

Richard Patch was born in the year 1770, at the village of Heavytree, Devonshire, within two miles of Exeter. This family had a respectable name among the yeoman of the county. The grandfather of Patch had a freehold estate in land, of the value of 50*l.* per annum, in a neighbouring village. His father, like many of the petty farmers, who reside on the sea coast in the distant counties, was a smuggler. He was noted in his time for a fierceness and intrepidity peculiar to that class of men. Many feats are yet related of his dexterity and enterprise in eluding and daring the officers of the excise. He has been said frequently to have cut his way through bodies of this military police, and to have spread such a terror by his name, that it was often judged safer to connive at, than to resist, his depredations on the revenue. But as the life of a smuggler is a scene of constant hazards, he was at length taken by the officers of the revenue, condemned in heavy fines, and sentenced to imprisonment for twelve months in the New Gaol at Exeter. When the period of his confinement was at an end, he did not, however, desert his station in the prison; but was engaged by the keeper as one of the turnkeys. In this situation he died, leaving several children; the eldest of whom was Richard, who had been bound apprentice to a butcher at Ebmere, a small village, the most notorious in Devon-

shire for the depravity of the manners and morals of its inhabitants. Nothing, perhaps, contributed to taint his mind more in early youth than the excessive indulgence of his father. His pockets were perpetually filled with money, which produced indolence, riot, and dissipation.

Upon the death of the elder Patch, Richard succeeded to the above-mentioned estate. He now quitted the trade of a butcher, and commenced farmer, uniting with his own paternal estate, a small farm which he rented. It seems, however, that he farmed with little or no success, as he was soon obliged to mortgage his estate for more than one-half of its value. Some years, however, were passed at Ebmere, when an accident drove him from his home. From motives which it is unnecessary to examine, he had quarrelled with the rector of his parish, and, in order to be revenged, he removed the produce of his farm from off his land, without setting out the tenths for the rector. In other words, he refused to pay the tithes. The consequence was a law-suit, and an immediate action in the exchequer. Patch, shuddering at the expence of the litigation, and certain result which awaited him, and perhaps somewhat embarrassed in his circumstances, quitted Devonshire, in the spring of the year 1803.

Upon his coming to London, he immediately presented himself at Mr. Blight's, with whom his sister, at that time lived as a menial servant; together with a brother of his (of whom it is somewhat extraordinary that no mention was made, in the course of his trial,) who was brought up a baker, but, for some reasons which it is unnecessary to enter into, was now in the service of Mr. Blight, as a kind of overseer or superintendant in the shipping business.

It must be here observed, that Mr. Blight had formerly been a West-India merchant, and had failed; upon which he engaged in the ship-breaking business, and was at this time carrying it on with great success. His embarrassment, in fact, arose from the severity and prosecution of certain trustees, who acted for his former creditors; thus his old debts, during the time in which



he was engaged in the West-India business, weighed him down, and not any contracted in his new occupation.

Patch had not long entered the service of Mr. Blight, when from jealousy or some uneasiness, his brother quitted it. He had been disappointed in endeavouring to set up for himself in the business of a baker to which he was bred; and this mortification, perhaps, aggravated by the conduct of his brother Richard, excited such a disgust in his mind, that he immediately went to sea, sailed to the West-Indies, where he soon died a victim to the yellow fever.

Richard had not been long in the service of Mr. Blight, when he naturally cast a look towards his estate in Devonshire, and commenced a journey into that country for the purpose of making an arrangement respecting it. Accordingly, in 1804, he disposed of his land; from which, having first been obliged to clear off every embarrassment, he received a neat sum of 350*l*. Two hundred and fifty of this Mr. Blight received for the purpose hereinafter mentioned; and the remaining one hundred pounds passed through the hands of his bankers, whom he probably constituted as such, upon the credit of this money.

The next year 1805, on the 23d of September, Mr. Blight, who was induced to come to town, by means of Mr. Patch, during the absence of the latter, was mortally wounded by a pistol, which was secretly fired at him, and which occasioned his death the next day. The case was particularly enquired into by A. Graham, Esq. the magistrate, who suspecting Patch of the horrid murder of his friend and master, committed him to prison, and his trial came on at the Surrey assizes, continued by adjournment to Horsemonger-lane in the Borough, Saturday, April 5, 1806.

So great was the interest excited by the approaching investigation, that by five o'clock in the morning, a vast concourse of the populace had surrounded the avenues to the Sessions-house, Horsemonger-lane. On the opening of the court, it was with the utmost difficulty that

the law-officers, and others whose appearance was necessary, could obtain an entrance. The persons of rank who obtained admission were the Dukes of Sussex, Cumberland, and Orleans; Lords Portsmouth, Grantley, Cranley, Montford, William Russell, Deerhurst, and G. Seymour; Sir John Frederick, Sir John Shelley, Sir Thomas Turton, Sir William Clayton, Sir J. Mawbey; Count Woronzow, the Russian ambassador, and his secretary. The magistrates, who had met for that purpose the preceding Wednesday, had made every accommodation that the court would admit of: it was floored and lined with matting, and the upper parts covered with green baize. New railing was put up on the sides and rear, and a box fitted up for the royal family.

The prisoner was conducted into court soon after nine o'clock, and took his station at the bar, attended by two or three friends. He was genteelly dressed in black, and perfect composure marked his countenance and manner. Precisely at ten o'clock, the Lord Chief Baron Macdonald took his seat on the bench; and the business of the commission was opened by arraigning the prisoner in the usual form. To the indictment he pleaded, in an audible voice, "Not Guilty," and put himself on his country.

He peremptorily challenged three jurors; after which a jury were sworn, and the indictment read.

The first witness called was Mr. Richard Frost, a publican, who kept the Dog and Duck. The first part of his testimony (for he was called in a second time) related merely to the fact of the death of Mr. Blight. He stated that, on the morning of the 23d of September last, he was sent for by the prisoner, in consequence of the deceased having been killed by a pistol-shot: he went, and found him leaning on his hands, and wounded.

Mr. Ashley Cooper said, he was called in to the assistance of Mr. Blight. Upon examining him, he found he had received a wound near the navel, and another in the groin. He observed that they were gun-shot wounds; and, as the body of the deceased was considerably in-

flated, he pronounced them mortal: he observed the bowels coming through the wounds. The next morning Patch came to him, said the deceased was in extreme pain, and wished to know whether any thing could be done for him. The witness told him he feared there could not. This was about seven in the morning. He rose and went to him, and found him in a very swollen state. He promised to return in the afternoon with a physician. He went to town, and came back with Dr. Barrington; but Mr. Blight had been dead about three quarters of an hour. He had not the smallest doubt that the wounds were the occasion of his death.

Richard Frost was again called up to speak to the firing of the gun. He stated, that on Thursday, the 19th, "there was the report of the firing of a gun at Mr. Blight's house;" he went out to ascertain the cause, but did not perceive any person coming from the premises; and he was in a situation in which, had the person who fired it attempted to make his escape, he must have observed him; it was about eight o'clock in the evening, and it was dark; but he was near enough to have seen any one run away, or climb the wall.

Miss Ann Davis and Miss Martha Davis, sisters, who happening to be walking by the premises in a different direction from the last witness, stated, that they also saw the flash, and heard the report of a gun, and must have seen any person attempting to escape; but all was quiet, and they concluded that the gun was fired by some one on the premises.

After this head of evidence, to establish that the gun fired on the Thursday preceding the death of Mr. Blight, was not by any stranger, but by the prisoner, witnesses were then called to relate the circumstances which occurred on the 23d.

Mr. Michael Wright stated, that he was going past Mr. Blight's house a little after eight, when he heard the report of a pistol, and was induced to go up to the house; he knocked for some time, and was not admitted; but insisting on having the door opened, Mr. Patch made his appearance, and began informing him what a dreadful

accident had happened. The witness was impatient at hearing this story: he thought that some means should be rather adopted to pursue the murderer, and recommended Patch to commission him to apply to Bowstreet; as an enquiry taking place instantly after the assassination would most probably be attended with success. Patch seemed reluctant, and thought that no good effect could result from it. The witness was rather indignant at his assistance not being accepted, and therefore went away.

Hester Kitchener's evidence applied to the two days. She stated, on the 19th she had been ordered by the prisoner to shut up the shutters of the house earlier than usual. Her master and mistress were then at Margate. At eight o'clock, the prisoner sent her out for some oysters; and, as she returned, she heard the report of a gun; but through the court-yard, the only passage to the house, she did not see any one. When she saw Patch, he cried, "Oh, Hester, I have been shot at!" She rejoined, "Lord forbid!" They then looked for the ball, which she found. The witness continued to state that her master returned to town on the Monday morning; that in the evening he and the prisoner drank tea together in the parlour, and afterwards had some grog. Her master was fatigued, heavy, and sleepy with his journey and the liquor. Patch came down in a hurry to her in the kitchen, and complaining of a pain in his bowels, wanted a light to go into the yard. She gave it to him, as also a key of the counting-house, through which it was necessary he should pass. She heard him enter the back place and slam the door after him, immediately she heard the report of a pistol. Her master ran down into the kitchen, exclaiming, "Oh, Hester, I am a dead man!" and supported himself upon the dresser. She ran up to shut the door; and as she was half way down the passage, on her return, she heard Patch knocking violently for admittance. He asked what was the matter; she told him; on which he went down and offered his assistance. He asked the deceased, if he knew of any one who could owe him a grudge? Mr.

*Blight answered, No ; as he was not at enmity with any man in the world.*

Mr. Christopher Morgan was passing by when the fatal shot was fired ; he went to the house, and saw Mr. Blight lying in a wounded situation, and recommended Mr. Patch, in the first instance, to search the premises all over. Patch told him, and his friend Mr. Berry, who was with Mr. M. to go and search an old ship that was off the wharf, as he had reason to think that the perpetrator might have escaped there ; for he heard a noise in that direction on the night when the gun was previously fired. They went, but found that the ship was lying at the distance of sixteen feet from the wharf ; that it was low-water : that from the top of the wharf to the mud was ten feet ; that the soil was soft mud, and that any one who might attempt that way must have been up to his middle ; besides the mud did not bear the appearance of any one having passed through it ; he was therefore perfectly convinced that no one escaped over the wharf towards the water. Mr. Berry corroborated this evidence.

Six other persons who happened to be in different directions leading from Mr. Blight's house to the public roads, most distinctly proved, that when the shot was fired which killed Mr. Blight, every thing was quiet on the outside of the premises ; that there was no appearance of any person attempting to escape ; and if there had, that there was no possibility of his eluding observation.

The next series of evidence went to infer, that the prisoner was carrying on a system of delusion and fraud against the deceased, in respect to certain pecuniary transactions between them. It was proved by Mrs. Blight, the deceased's widow, that her husband, who had fallen into some embarrassments, had, in order to mask his property, made a nominal assignment of it to Patch ; but the assignment was not to be carried into effect, unless the trustees of his creditors should, as he apprehended, become importunate. This confidential assign-

ment Patch wished to convert into an absolute sale for consideration given on his part ; but Mrs. Blight declared, that he had never paid her husband any money, excepting 250*l.* part of 1,250*l.* the consideration for a share of his business.

The next strong branch of evidence referred to the stockings which the prisoner had on the night that Mr. Blight lost his life. It was proved that he generally wore boots ; but the witnesses' memory enabled them to say, that he had white stockings on during the evening of the 23d. Mr. Stafford, of the Police Office, stated, that on examining the bed-room of Mr. Patch, they were folded up like a clean pair ; but that on opening them, the soles appeared dirty, as if a person had walked in them without shoes ; the inference from this was, that the prisoner had taken off his shoes in order that he might walk out of the necessary without being heard by the maid.

The last important fact was, the discovery of the ram-rod of a pistol in the privy, and the proof that that place had not recently been visited by any person suffering under a bowel complaint. This, and a vast variety of circumstantial evidence, concluded the case on the part of the crown.

The prisoner being called upon for his defence, delivered in a long elaborate address, supposed to have been written by his counsel, which he requested might be read by the officer of the court : it began by thanking the learned judge for moving his trial from a place where prejudice might have operated against him ; complained much of that prejudice having been excited against him by premature reports in the public journals ; and then entered into a general train of argument, inferring, that in a case of life and death, juries ought not to convict upon circumstantial evidence ; the more especially where they appeared, as in the present case, so dubious. He stated that whatever might be the result of their judgment upon the evidence, it was almost a matter of indifference to him on his own account ; for he was borne down and subdued by the unjust prejudices of the public, by the long

imprisonment he had endured, and by the enormous expences to which he had been subjected; but he had those relations who made life dear to him: he had children who looked to him for support, and who would not only be dishonoured, but ruined by his death. The only evidence which he adduced was, that of three persons, who spoke to his general character.

The Lord Chief Baron summed up the evidence in the most perspicuous manner, occupying nearly two hours in commenting upon every part of it.

The jury then retired for about a quarter of an hour, and, on their return, pronounced a verdict of Guilty.

His lordship then proceeded to pronounce the awful sentence of the law:—He observed, that the prisoner had begun his career of guilt in a system of fraud towards his friend; he had continued it in ingratitude, and had terminated it in blood. He then directed that he should be executed on Monday, and his body should be delivered for dissection.

Patch, who had the appearance of a decent yeoman, and was about thirty-eight years of age, during the whole of the trial never betrayed the slightest symptom of embarrassment: his appearance evinced a seeming composure, which innocence alone could manifest, or the most consummate villainy could counterfeit. He also heard the dreadful sentence with a degree of sullen composure, bordering upon apathy, as if he had previously made up his mind to the event. The execution was, however, deferred till the next morning (Tuesday,) it being deemed advisable that he should suffer in common with a man and his wife, Benjamin and Sarah Herring, who had been convicted at Kingston, March 28, of coining, in order to obviate the inconvenience of having two public executions following each other so closely. It was in consequence of this suggestion of Mr. Ives to the Chief Baron (who with the Dukes of Sussex and Gloucester retired to his house after the trial,) that his lordship was induced to order the respite, which he wrote thus on the margin of the first order for execution:—

“ Let execution be respited till Tuesday, the 8th day of April, 1806. “ A. MACDONALD.”

It seems that Benjamin Herring and his wife had carried on the trade of coining to a great extent, at their own house in St. George's-in-the-Fields. On searching their premises, a complete set of coining implements, punches, aqua fortis, &c. were found, besides upwards of seventy shillings, a quantity of dollars, half-crowns, and sixpences, all ready for circulation.

The prisoner Benjamin, in his defence, said, he was a wire and bird-cage maker, and that the implements found in his possession were necessary for the carrying on of that business. The jury, without hesitation, found both prisoners “ Guilty.”

But to return to Patch—After condemnation, he remained perfectly calm and unembarrassed. He slept well during the greater part of the Saturday night; rose at nine o'clock the next morning; breakfasted on tea and toast, and attended divine service at half past ten. About a quarter before eleven, the Rev. Mr. Mann, the Ordinary, preached the condemned sermon, in a style the most impressive and affecting; to which Mr. Patch paid the necessary and becoming attention. On his return to his cell, the prisoner, for a few moments, looked stedfastly at Mr. Case, the turnkey, and then said, “ I am innocent,” but did not attempt to utter another word. At two o'clock he dined, and made a hearty meal, and appeared as composed as usual during the remainder of the day. He continued to preserve a sullen silence, until Monday afternoon, when that composure which marked his countenance, that fortitude and apathy, left him. He was informed by the ordinary of the gaol, that his friends approached to take their last farewell of him for ever, when he gave up all hopes of a reprieve, and exclaimed, “ Is no mercy to be expected ?” His relations, viz. his sister, who had lived with Mr. Blight, another younger brother, who bore a strong resemblance in person to the unfortunate man, and a brother-in-law, with his wife, a nephew, and another distant relation, were admitted to him, and



remained with him until three o'clock, when they took their last farewell. Patch was now most sensibly affected, and the scene was truly distressing. He embraced each of his relatives, and wept bitterly, clinging to them until the moment had arrived when their absence was required. After this affecting scene, Mr. Ives, the governor of the prison, went to his cell, and Patch here uttered an expression adequate to a confession of his guilt. He said, "I have confessed my sins to God; man can give me no relief." This day, he was also visited by the Rev. Mr. Mann, and three dissenting ministers. In their interviews with him, he evinced the strongest proofs of a penitent sinner; but invariably declined to give any answer to the urgent entreaties of the clergymen, to acknowledge the crime for which he was to die. Mr. Mann remained with him until a late hour on Monday evening. Mr. Graham, the magistrate who committed him to prison, was the last person admitted to see him on this night. Before they parted, Mr. Patch took him by the hand, and said emphatically, "We shall, I trust, meet in heaven." The three dissenting ministers remained with him all night; during the whole of which, he appeared extremely penitent and devout. In the course of the night he took a few glasses of wine; and about two o'clock, having become much exhausted, he laid down upon his bed. The dissenting ministers remained by his side until four o'clock; when he arose, and drank two cups of tea, with which he appeared somewhat refreshed.

About half past six o'clock on Tuesday morning, the Rev. Mr. Mann, and the curate of the Rev. Rowland Hill, came to the prison; and after a short interview with Patch, they, and Herring and his wife, were conducted to the chapel. Patch, and Herring went with the Rev. Mr. Mann to the altar, and resumed their devotions; the woman, being a Roman catholic, went to the left side of the chapel, with a priest, the Rev. Mr. Griffiths.

At eight o'clock Patch and Herring received the sacrament. At thirteen minutes past eight, Herring came out of the chapel into the prison, where the executioner was

in waiting to knock off his irons. On his return to the chapel, Patch came out, at seventeen minutes past eight, for the same purpose. He was dressed in a good suit of mourning, and appeared in excellent health. His complexion was florid as usual, and he stood firm, and with great composure, while the hangman was tying his arms. After this process, he returned with a firm step to the chapel, and resumed his devotions.

About five minutes before nine o'clock, the high-sheriff demanded the bodies of the unfortunate sufferers; and immediately after, they began to move in the usual order, followed by Mr. Ives, the keeper of the prison. When they got to the open yard, Herring and his wife were placed on a sledge, and drawn to the entrance of the stair-case leading to the apparatus for the execution, from which they ascended the stairs with as much firmness as could be expected. Patch displayed his usual intrepidity.

While Jack Ketch was fastening the ropes, the Rev. Mr. Mann attended Patch, and for the last time, attempted to draw from him a confession, but with no better success. The sheriff then went to him, and entreated him to confess: but he steadfastly refused. At this time the cap was drawn upon his face, and every thing prepared to launch him into eternity. Apparently displeased at being pressed so much upon the subject, he now threw himself considerably back with impatience. From the violent motion of his body, some of the spectators supposed that he meant to break his neck, as Abershaw did on Kennington-common; others apprehended that he was fainting away. Neither of these, however, appeared to be the case, as it was evidently the result of a wish to avoid all further entreaty.

Mr. Ives observing Patch throw himself back, ran to him, and exclaimed, "My good friend, what are you about?" Mr. Patch took him by the hand, and conversed with him for about a minute and a half; and, when he was loosing him, he parted his hand apparently with much reluctance. A great anxiety was, at this moment, expressed by the bye-standers, to know

whether Mr. Patch had confessed his guilt to Mr. Ives, in this conversation. Mr. Ives answered, with great politeness to all inquiries, that he could not at present divulge what Mr. Patch had communicated to him, and he persevered in this determination, notwithstanding the pressing solicitation of one of the magistrates. He said, however, "I believe him to be the man," meaning the man who murdered Mr. Blight.

At five minutes past nine o'clock the drop fell, and the body of Patch, after hanging the usual time, was taken to the hospital in the prison, for the purpose of being dissected.

The multitude that assembled to witness this awful ceremony was said to be more considerable than even at the execution of Despard.

Patch was an athletic broad-shouldered man, about five feet seven inches high, and strong made in proportion; his florid looks never forsook him; these arose from his constitutional formation, but his pale lips indicated the state of his mind.

## WILLIAM HONEYMAN,

(THE YOUNG SWINDLER,)

*Convicted of Forgery at the Lent Assizes, 1806, for Kent, and executed upon Pennenden-Heath.*

SELDOM have we met with an instance of such consummate art in so young a person as Honeyman. He was born at Portsmouth, of creditable parents, and who, after giving him a good education, placed him as midshipman in the royal navy: but he had not been long on board the man of war to which he was appointed, then stationed at Sheerness, before he deserted, and began his career of vice at a tavern called the Silver Oar, at Rochester, before he had completed his sixteenth year. There he was invited by some gentlemen to partake of their dinner, which was no sooner over than they perceived he had no

money, and appeared dejected, and upon interrogation, he confessed his name and needy circumstances; the company, much to their credit, agreed to supply him with money, and he was kept there till his friends were made acquainted with his situation; when, according to their desire, he was forwarded to London.

He returned some time after to the Silver Oar, saying he had been to sea, ordered a dinner, and treated his former friends.

Afterwards he took a route to the West of England, following his nefarious practices. However, on the 18th of November, 1805, under the name of Alexander Innes, captain in the navy, he was brought to Marlborough-street Police-office, in custody of an officer belonging to Surrey, to answer a charge preferred against him by a Mr. Jeff, a liveryman, in Silver-street, Golden-square.

Mr. Jeff stated that the prisoner called at his stables on the ninth day of November, representing himself as the person above described, and residing at No. 49, Howland-street, and hired a chesnut mare to go to Richmond. The mare was never returned to her owner; and after a week had elapsed, Mr. Jeff suspected that he had been swindled. He consequently went to the given address, and had there further cause of suspicion; for the house was a brothel, and he was only known to have slept there one night.

In consequence of some information Mr. Jeff had received, he went to the house of an eminent tradesman in the Borough, where, it was said, the prisoner was known, having drawn money by bills, &c. Mr. Jeff was there informed of the circumstance alluded to, and that captain Innes had sent thither a mare from the country, which had been attended with unpleasant circumstances. The parties, however, said, they knew but little of the prisoner.

He was detected by calling at the Gloucester Coffee-house, Piccadilly, which house he had frequented with a person of the name of Kennesley, who left it without discharging his bill. The prisoner called to enquire after his friend, and on leaving the house, two of the waiters

followed him, suspecting him to be the person advertised by Mr. Jeff. At a convenient spot near Vauxhall, the waiters gave him in charge of an officer.

It was stated to the magistrates, that the prisoner had been at the Castle, at Richmond, where the waiter was refused his bill; but, by assistance, the visitors were detained, and a watch was left as security for the bill.

Mr. Jeff had never heard of his mare, but it was reported she was at Andover, Hants. When at Richmond, on Sunday, at the Castle-Inn, he was informed that a mare, answering the description of the one hired, was sold on Wednesday last, at Croydon, to a butcher, at Richmond; but he had not an opportunity of seeing her, the butcher being from home. On the prisoner being questioned respecting what he had done with the mare, he merely answered, he had spoken to Mr. Jeff on that subject. He was dressed in the first style of fashion, and his person was very well known in the lobby at the theatres.

The next day the concourse of people that assembled at Marlborough-street Office was immense. Several naval officers attended, for the purpose of proving that there were only two captains in the navy of the name of Innes; they are brothers, and gentlemen of the highest respectability; the one Alexander, is now captain on board the *Eurus* frigate, in the Cove of Cork; and the other, John, is a prisoner in France, having been taken in the *Ranger*. Several persons intimated their intentions of exhibiting charges against the prisoner on the next examination, which took place November 21. Numerous fresh charges were adduced against him; and it appeared by the evidence, that an insinuating confident address, with a commanding person, had enabled him to enter the circles of gentlemen, whom he is said to have defrauded, as well as trades-people, inn-keepers, &c. in town and country.—The horse he hired of Mr. Jeff had been traced to George-yard, Drury-lane.

John Rich, ostler to Mr. Cartwright, Camden-place, Piccadilly, stated, that the prisoner hired a brown gelding six weeks since, in the absence of his master. He said he resided in St. James's-street; that he merely

wanted to ride out for two or three hours, and on his return he would send the horse home by his servant. He, however, never returned, nor had the horse ever been heard of. A person in the office (Mr. Nuns) informed Mr. Cartwright that a horse, answering the description he had given, was left at his Livery-stables, Vauxhall, on the 14th of October, and he believed by the prisoner. He hired a horse and chaise of Mr. Nuns, and left the horse in his care, until he should return, which event never took place. The prisoner said his name was Becket, and that he resided at Gravesend. Mr. Nuns, finding the prisoner did not return, went to Gravesend, and Mr. Becket proved to be a Banker, who informed him, that a person answering the description of the prisoner, had forged on his bank. Mr. Nuns had travelled three or four hundred miles after his horse and chaise; and at length, by an advertisement, he received a letter, stating, that the horse was at Alton, in Hampshire, and the chaise was at Honiton, in Devonshire, the prisoner having left the horse as he had done at other places, and hired a fresh one.

It was proved by another witness, that the prisoner had committed depredations in the West of England, by representing himself as a Mr. Pigeon, son of Mr. Pigeon, belonging to a distillery firm in the Borough. By this imposition, affecting to be travelling on account of the firm, he was very successful in obtaining money, by swindling bills, &c. In this part of the country he drove about in a post-chaise and four, associated with the best company, joined their hunting parties, and became the complete man of fashion. At Exeter he drove through the city a week before the news of the victory over the combined fleets, as a naval officer with dispatches from the fleet. The gentlemen belonging to a subscription-house, and the leading men of the city, desirous of hearing good news, politely requested to be informed if the news was good. The prisoner, who represented himself as the son of Lord Mulgrave, assured them it was good news, and that it was from the hero, Nelson. The gentlemen were desirous of further information; but fearing to put the

question too pointedly, they asked, if it equalled the business of the Nile? The prisoner replied, "The Nile is a fool to it;" and he immediately drove off, having diffused joy throughout the ancient city of Exeter.

A number of other charges were preferred against him. A gentleman positively proved the prisoner to be an impostor, in representing himself as Captain Innes. The prisoner said his name was Innes, and he was addressed as a captain by naval characters. On being questioned by the magistrates, if he was ever in the navy, and what rank he held? the prisoner replied, "He was a midshipman in the *Magnanime*, of sixty-four guns, but he had not been in the service since the last war. He was before that in the *Active*, of thirty-two guns." He was remanded again, to give country people an opportunity to attend, and on the day appointed, the office was crowded so excessively, that many who repaired thither to take a view of the prisoner were disappointed.

Among other circumstances, Hamilton, the officer, said, that he was authorized by the gentlemen of the Gravesend bank, to state a circumstance that recently occurred there, the complainants being unable to attend this examination; the prisoner, in the name of Charles Young, presented to them a bill of exchange for eighty pounds, purporting to have been drawn upon Simmons and Co. at the Canterbury bank, for which he received cash and notes, and it was soon afterwards discovered to be a forgery.

There was also another serious charge against the prisoner, for a transaction during his tour in the West of England. It had been stated, that the prisoner diffused joy throughout the city of Exeter, by proclaiming a victory, said to have been gained by the departed hero, Nelson, a week before that of Trafalgar. He also, it appeared, represented himself as the bearer of the joyful tidings, when the glorious victory was obtained. Being on the Portsmouth road when Lord Fitzroy was travelling to the Admiralty, with the important news, and having obtained some slight information respecting it, or at least that his lordship was going with dispatches to town, he

immediately ordered a post-chaise and four, and was driven after the messenger at full speed. On his entering the town of Basingstoke, his chaise was surrounded by the multitude, who were more ready to be imposed on, a ray of hope having spread itself that a victory had been gained. In the habit of a naval officer, the prisoner went to the bank, called himself Lord Fitzroy, drew 100*l.* in his name, and gave a forged draft. He apologized to the gentlemen of the bank for the sudden intrusion, and alledged that his cash was insufficient to carry him to the Admiralty. This imposition was soon detected, the prisoner was followed, and the money recovered. On his being asked, if he had any thing to say, he replied, "he had not in his present disagreeable situation." The magistrate observed, that it would be necessary to remand the prisoner again, in order to give time to the people from the country to attend; when a gentleman from the Gravesend bank attended, and the prisoner was fully committed to take his trial, and soon after removed to Maidstone (the forgery having been done in Kent), where he was indicted, March 13, 1806, for feloniously and falsely making, forging, and counterfeiting, and feloniously uttering and publishing, as true, at Gravesend, a certain false, forged, and counterfeited bill of exchange, for the sum of eighty pounds, purporting to have been drawn by one Charles Young, and to be directed to Messrs. Simons, Poley, and Co. at Canterbury, with intent to defraud John Brenchly, Charles Becket, and George Rich, of Gravesend, aforesaid.

He also stood indicted upon the oaths of John Rich, and others, with stealing one brown gelding, the property of Edward Cartwright.

He also stood indicted upon the oath of Richard Nuns, with stealing at Lambeth, in the county of Surrey, one black mare, a chaise, and harness, his property.

On the first indictment, it appeared he came to the Gravesend bank, and represented himself as a person under the tuition of Mr. Stevenson (steward to the Earl of Darnley), for a knowledge of agricultural improvement, which afterwards proved to be false. The fraud on the



bank being substantiated by the clerk, the jury after a little deliberation, found the prisoner guilty ; and being found guilty upon the first charge, the judge would not try him on the others.

From the time of the judge's passing sentence on him, and informing him he could not expect any mercy, the crime being so great an offence, he became much dejected, and behaved himself in a very becoming manner.

On the 28th of March, the unfortunate prisoner wrote a letter from the cell to the Gravesend bank, acknowledging the crime laid to his charge, thanking the prosecutors for their humanity in recommending him to the judge for mercy, and requesting they would sign a petition to the King ; which had been done before, but which the prisoner was not aware of. He stated in his letter, that he was deranged at the time of committing the fact. He also said, it had ever been his father's wish to train him in the world to friendly society.

He made the following speech at the place of execution, from a written paper, which he gave to a friend, upon his request :

“ For my own part, I confess, with the greatest contrition, the crime which has brought me to this horrid place, and admit the justice of my sentence, while I am sinking under its severity ; and I earnestly exhort you all, my fellow prisoners, and young men at liberty, to acknowledge the offences you have been guilty of, and to bequeath to your country that confidence in public justice without which there can be neither peace nor safety in this world.

“ As few of you suffer for the first offences, it is necessary to enquire how far confession ought to be extended. Whatever good remains in our power we must diligently perform. We must prevent, to the utmost of our power, all the evil consequences of our crimes. We must forgive all who injure us. We must, by fervency of prayer and always praying to God, in constancy and meditation, endeavour to repress all\*worldly passions ; and generate in our minds that love of goodness, and hatred of sin, which may fit us for the society of heavenly minds ;

and finally, we must commend and entrust our soul to Him that died for the sins of men, with earnest wishes and humble hopes that he will admit us with the labourers who entered the vineyard at the last hour, and associate us with the thief whom he pardoned on the cross.

“ Thus, we humbly trust, our sorrowful prayers and tears will be acceptable in his sight. Thus shall we be qualified, through Christ, to exchange this dismal body and these uneasy fetters, for the glorious liberty of the sons of God, and then our legal doom upon earth be changed into a comfortable declaration of mercy in the highest heaven, and all through the most precious and all sufficient merits of the blessed Saviour of mankind.

“ I wish you all the happiness that this land affords, and the enjoyment of life in all its branches. You, my brothers and sisters, will, I hope, take caution of so young a man as I am, whose years are only eighteen, and to think that I should suffer this ignominious and awful death before so many of you. Our happiness or misery only begins when we die.

“ It is but your sins that can make you afraid of dying. It concerns us more than our lives is worth, to know what will become of us when we die.”

This speech, which was spoken in a manly and distinct tone, made a deep impression on an unusual number of spectators (many of whom were soldiers). Shortly after, he seemed to reflect on the jury, and the severity of the laws of this country, by saying, “ so young a man as he was, might have been useful by being sent abroad ;” because the petition had been presented, and interest made, in vain, to his Majesty, to save his life. He behaved, however, with the greatest decorum at the place of execution, praying in the most penitent manner, till the platform fell from under him.

Along with this unfortunate youth, three other men underwent the final sentence of the law for various offences.

**JOHN DOCKE ROUVELETT, *alias* ROMNEY.**

*Executed at Ilchester, at the Summer Assizes, 1806,  
in Somersetshire, for Forgery.*

THIS notorious swindler was well known at Bath; where he passed for a West-Indian of considerable fortune and family: he was about forty years of age, and had the appearance of a creole. He lived with a woman of the name of Elizabeth Barnet, who passed for his wife, particulars of whom will be given in the course of this narration. Having been arrested for debt, he was occasionally visited by this woman in the Fleet-prison, and was afterwards removed, by Habeas Corpus, into Somersetshire, on a charge of forgery. Conscious that Elizabeth Barnet was the only witness against him, by whose evidence he could be convicted of the forgery, as well as of perjury, another case also pending, Rouvelett having falsely sworn a debt against Mr. Dorant, of the York Hotel, Albemarle-street, he had her taken up for a supposed robbery, and charged her with stealing his purse in the Fleet-prison, containing forty guineas, half-a-guinea, and a valuable diamond. This case of singular atrocity came on at the Old Bailey, Saturday, July 5th, 1806. The young woman was fashionably attired, and her appearance excited universal sympathy. Rouvelett was brought up from Ilchester-gaol, ironed, to prosecute on his indictment. An application was made to put off the trial, on the affidavit of the prosecutor, which stated, that some material witnesses at Liverpool had not had sufficient notice to attend. The object of this attempt was to prevent the prisoner from appearing against him on his trial for forgery, as also to prevent her becoming a witness against him in the case of perjury, as already mentioned. The Recorder saw through the transactions, which he described as the most foul and audacious that ever were attempted. He ordered the trial to proceed. Rouvelett, who called himself a gentleman, stated, that the prisoner was with him on the 11th of June, 1805, when

he drew half-a-guinea from his purse, and gave it to a messenger; after which he put the purse, containing the property as stated in the indictment, into the pocket of a surtout coat, which was hanging up in the room, in which was the ring, worth 30*l.* There were no other persons in the room but the prisoner and himself; and in twenty minutes after she was gone, he missed his property from the great coat pocket. He concluded that the money was safe, as the prisoner was gone to Dorant's hotel, Albermarle-street, and he did not suppose her capable of robbing him. She, however, absconded, and he never saw her again until she was arrested at his suit, jointly with Dorant, in an action of trover for 20,000*l.* for deeds, mortgages, and bonds, bearing interest, for which bail was given. He had no opportunity of bringing her to justice for the alledged robbery, he being himself a prisoner. (The Recorder here remarked, that the prosecutor could find the prisoner for a civil suit, although he could not find her for the criminal act.) On the cross-examination of the prosecutor, he said he was born at St. Martin's, in the West-Indies, and he had been at most of the islands in that quarter: his uncle was a planter in the West-Indies, and he lived on such means, whilst in England, as his family afforded him: he was brought up in Amsterdam, at the house of Mr. Hope, banker: after which he became a lieutenant in the British army (the 87th regiment). He knew Mr. Hope, of Harley-street, Cavendish-square, and Mr. Hope knew him to be Mr. Rouvelett, of St. Martin's, for the two families had been closely connected for 100 years. He lived in England on remittances from his uncle in goods or bills, but he had no property of his own. Messrs. Stephens and Boulton used to pay witness his remittances at Liverpool, but he could not tell who paid them in London. The Recorder observed, that the witness should not be pressed too far in giving an account of himself, as he at that time stood charged with forgery. On being asked, if he, the witness, had not said he would be revenged on the prisoner, as she was intimate with Dorant, and charge her with a felony, he answered that he

did not recollect having said so; but the question being pressed, he partly acknowledged it. The purse, which was empty, witness acknowledged was found under the pillow, on the 12th of June, the day after the alledged robbery, by his room chuin, a man of the name of Cummings. The prisoner was with him in prison after the 12th of June, although he had said she had absconded.

The Recorder did not suffer the cause to be farther proceeded in, and directed the jury to acquit the prisoner; and observed, this was the most foul charge he had ever heard of.

The disgust of the persons in court was manifested by hisses and groans, as the fellow retired, in such a manner as baffled the efforts of the officers of justice for some time to suppress.

The trial of this malicious offender, who was thus happily disappointed in his views, came on at Wells, Tuesday, August 12, 1806, before Baron Thompson, and excited uncommon interest throughout the county of Somerset.

The prisoner, John Docke Romney, alias Rouvelett, was indicted for having feloniously and knowingly forged a certain bill of exchange, dated Grenada, the 10th of November, 1804, for 420*l.* sterling, payable at nine months' sight, to the order of George Danley, Esq. and drawn by Willis and Co. on Messrs. Child and Co. in London, with the forged acceptance of Messrs. Child and Co. on the face thereof, with intent to defraud Mary Simeon.

Mr. Burrough entered into the details of the case, which were afterwards substantiated by the evidence.

Mr. Philip George, the younger, clerk to the mayor of Bath, stated, that the bill in question was delivered to him by the mayor of Bath, and that he had ever since kept the bill in his own custody.

Mrs. Mary Simeon, dealer in laces, at Bath, was next called, and was proceeding to give her evidence, when Mr. Jekyl, counsellor for the prisoner, submitted a legal objection to the court. He observed a difference between

the bill itself, and the bill as set forth in the indictment. The words to which he alluded were Willis and C. in the bill, whereas in the indictment they were set forth Willis and Co. After some discussion, Baron Thompson and the jury agreeing that there appeared no essential difference, as the letter *o* could be distinguished, the objection was over-ruled.

Mrs. Simeon deposed, that in April 1805, she lived at Bath; the prisoner at the bar came to her house on or about the 16th of March, 1805; having looked at several articles in which she dealt, he bought a fan, paid for it, and said he should bring his wife with him in the afternoon. He accordingly did so, and brought Elizabeth Barnet as his wife, Mrs. Romney; he asked whether Mrs. Simeon had a Brussels veil of 150 guineas value? The witness answered, she had not; he then bought two yards of lace, at four guineas a yard, and went away.— This happened on a Saturday. The Monday following he came again, accompanied by his wife, looked at a lace cloak, at veils worth five and twenty guineas, and other goods, but did not buy any. In the course of the week he called again, and proposed to the witness to purchase a quantity of goods, if she would take a bill of a long date, accepted by Messrs. Child and Co. bankers in London. Witness answered she had no objections to take a bill accepted by such a house. He returned in two or three days, and purchased articles to the value of about 140*l.* which with other goods afterwards bought, and with money advanced by her, made the prisoner her debtor to the amount of 299*l.* He bought all the articles himself, unaccompanied by his wife. In the month of April, between the 20th and 24th, the prisoner proposed paying for the different articles, and he brought his wife to the house; when a meeting took place between them and the witness, and her brother, Mr. Du Hamel. He said, “ I am going to London, and I should like to settle with you : this is the bill I proposed to you to take ; it is accepted by Child and Co. bankers, in London ;” and, turning over the bill, he added, “ the indorser is as good as the acceptors.”

The bill was here produced, and proved by Mrs. Simeon to be the same which the prisoner gave to her in April, 1805.

The witness then took the bill, and her brother, Mr. Du Hamell, paid to him for her 35*l.* which, with the articles previously bought, made the whole of the prisoner's debt to her 299*l.* He wrote before her on the bill the name of John Romney, as his name. He afterwards went to London by the mail. She sent the bill the next day to London.

The conversation which passed between her and the prisoner, in the presence of her brother and Elizabeth Barnet, was entirely in the French language. He left his wife at her house, where she slept. While he was absent, the witness received intelligence from London that the bill was a forgery, and she instantly wrote a letter to the prisoner, informing him of it. He came to Bath in consequence of the letter, late of a Sunday night, and a meeting took place then at her house, between him, his wife, herself, her brother, and her solicitor, Mr. Luke Evill, of Bath. The conversation then passed in English. Several questions were put to the prisoner by herself and by Mr. Evill. Mr. Evill asked him whether he had any business with W. A. Bailey, the indorser, which induced him to take the bill. He said Mr. Bailey had sold some sugar for him. She asked him if Bailey lived in London; he replied, at some inn or coffee-house, the name of which he did not recollect. He was then asked at what island or islands Mr. Bailey's property was situated: he mentioned two or three islands in the West Indies, but he did not know in which of them Mr. Bailey at that time was. The prisoner then enquired where the bill was; and being informed by the witness that it was in London, he said she must write to get it sent back. She, however, declared that such an application would be unavailing, and the prisoner pressed her to go to London herself. She refused to go alone, and he entreated Mr. Evill to accompany her, saying that he would give Mr. Evill 20*l.* to defray the expences of the journey, which he accordingly did. She set out at ten o'clock that night, accom-

panied by Mr. Evill, and obtained the bill from Messrs. Sloper and Allen, in whose custody it was, by paying three hundred guineas, which was all the money she then had at her banker's. She brought the bill back to Bath, having stopped but one day in London; but the prisoner was not at Bath when she returned. He had left some property at her house with his wife, who had removed from Sidney-house, with his clothes, &c. The bill remained after this in her custody about a twelvemonth, and was given up to Mr. Evill by her brother. Mr. Dorant paid the whole of the debt due by the prisoner, on the 6th of May, 1805, a few days after the prisoner finally left Bath.

Upon the cross-examination of Mrs. Simeon, it appeared, that she considered the prisoner and Elizabeth Barnet as man and wife. It was not until May 1806, that she appeared before the Mayor of Bath, against the prisoner, whom she knew to have been in the Fleet-prison. She did not go before the magistrate at the solicitation of Mr. Dorant, nor did she at any time, nor on any account, receive any money from Dorant, but what was actually and fairly due to her by the prisoner.

Mr. Du Hamel, brother of Mrs. Simeon, corroborated all the principal facts stated by his sister.

Mr. Whelan deposed, that he was clerk in the house of Messrs. Child and Co. He had filled that situation for about nine years; and, from his knowledge of the business, he was enabled to state their manner of accepting bills. The house had no correspondence whatever at Grenada by the name of Willis and Co. and the acceptance, which appeared on the face of the bill, was not the acceptance of Messrs. Child and Co.

Mr. Comyn was next called, but his evidence was not material.

Mr. Luke Evill, solicitor for the prosecution, stated, that he had sent the bill from Bath to his agent in London, for the purpose of its being delivered to Dorant.

Elizabeth Barnet was next called. She deposed, that she became acquainted with the prisoner in the month of September, 1804, when at Liverpool. About a fortnight



after she first saw him she began to live with him, and continued till the 16th of June, 1805 ; during all that period she passed under the name of Mrs. Romney. She left Liverpool, in the month of January, 1805, and came to London with the prisoner. They then took lodgings at Mr. Dorant's hotel, in Albemarle-street. The account he gave of himself to her was, that he was a West Indian planter, and that he had estates in Martinique and St. Kitt's. They remained between two and three months at Mr. Dorant's hotel, during which time they were not visited by any body except a Mr. Hope, whom she remembered seeing with the prisoner. This Mr. Hope was not represented to her as being from Holland. She accompanied Mr. Romney to Bath, and on their arrival there they lodged at the White Hart inn, for about a fortnight, previous to her lodging at Madame Simeon's. Soon after their arrival at the White Hart, she went along with the prisoner to Madame Simeon's to look at some laces and a black cloak. None of these articles, however, were purchased at that time by the prisoner, they being afterwards bought when she was not present. She heard the prisoner state to Madame Simeon, that he would give her a bill of exchange, accepted by Child and Co. of London. She did not then see any bill in his possession, but saw him writing one three days afterwards, when he sent the witness for some red ink. She brought it to him, when he was still writing on the same piece of paper, and he soon afterwards wrote thereon with the red ink, and put it up into his pocket-book without saying any thing. The next day he told her she must go and walk with him to Madame Simeon's, as he was going to pay her for some articles he had bought, which the witness had by that time got sent home to her. She accordingly accompanied him to Madame Simeon's shop, where she saw that lady, and her brother, a Mr. Du Hamel. A conversation then took place betwixt them, which being entirely in French, she did not understand. She, however, saw a paper given by the prisoner to Madame Simeon, which he took out of his pocket-book. This was the same paper which she had formerly seen him writing. A good deal of conversa-

tion ensued after the bill was put down, and she then saw Romney put his name to it. The bill in question was here shewn to the witness, and she distinctly identified it as being the same one she had formerly seen the prisoner write upon with red ink, and afterwards indorse with his name. Two or three days afterwards the prisoner left Bath for London, and the witness remained at Madame Simeon's. He returned on the Sunday night following, and remained at Madame Simeon's till next day. She observed that he was then very much disturbed, and she enquired the reason. The prisoner answered by saying, "He must be hanged." He asked her to fetch him his writing-desk, which she did. He then took out a large parcel of papers, and burnt them. She had no opportunity of seeing what those papers were. She asked him, "Were the papers any harm?" He said, Yes; and that there was a paper which must not be seen. He further desired her to go to such and such a trunk, and there she would find a plate, which he wished her to take the first opportunity of throwing into the river. This plate she found without any thing with it, and she put it into her own trunk amongst her wearing-apparel. He wrote her a letter afterwards from Chippingham, requesting her "to remember the river." (This letter not being produced, no interrogations were put concerning it). She had not an opportunity of throwing this plate into the river, as she never went out but under Madame Simeon's protection. She never lived with the prisoner after that day, the 6th of June, 1805. She, however, remembered visiting him in the Fleet-Prison. She was soon afterwards arrested at Bath, at the prisoner's instance, for the sum of 20,320*l.* and carried to Winchester-gaol, and afterwards removed to the King's Bench. She saw the prisoner on this occasion, and again at the Old-Bailey, when he was examined as a witness against her on her trial. He then charged her with having robbed him on the 11th of June, 1805, of forty guineas and a diamond-ring, when he was in the Fleet-Prison; this charge was totally without foundation, as was also the alledged debt of 20,000*l.* She never had any transactions in her life to which such a charge could

refer. She heard him also give evidence at Westminster Hall.

On her cross-examination she deposed, that her real name was Elizabeth Barnet. She is the daughter of a farmer in Shropshire, from whom she had had a plain education. She left her father when nineteen years of age, and went to Liverpool, where she lodged with a Mrs. Barns: she lived in Liverpool about nine or ten months. After she had left off seeing Mr. Rouvelett, in the Fleet, she lodged at a Mr. Fox's, in Henrietta-street, Covent-garden, for seven or eight weeks. She afterwards went to Bury-street.

To some additional interrogatories by Mr. Burrough, this witness further deposed, that the prisoner Romney sued out a writ against her for 1200*l.* exclusive of the sum before-mentioned. This was after she had ceased to visit him in prison, and had gone to reside at her father's, and it was also previous to the arrest for the 20,320*l.* already taken notice of. No demand was made against her by the prisoner, when she visited him in the gaol. She is now about to return to her father's, and he knows of her intention to do so. She has three sisters and a brother, who were all residing with her father when she first left home. When she was arrested for the 20,320*l.* she was examined before the mayor at Bath. What she related concerning the bill in question, she most solemnly declared was the perfect truth.

On the interrogatories of Mr. Baron Thompson, the learned judge, this witness added, that she could read writing pretty well: when she brought the red-ink to the prisoner, she remembered asking him what he had written, and he said he was drawing on Child and Co. She then observed to him, that what he had written with the red-ink looked very handsome: this made her perfectly certain as to the bill produced on this trial being the identical bill she had seen the prisoner writing. Mr. Romney at that time thought she could not read writing: he was at that time teaching her to write his name as he did, and she made considerable progress in imitating his hand. The bill upon which he wrote across with the

red-ink was printed (meaning engraved) exactly as the one now produced. The next day, when she saw the bill given by the prisoner to Madame Simeon, she particularly remarked the date upon it being the same as that she had formerly seen.

The prisoner was called upon for his defence, and, apparently with considerable confidence and firmness, addressed the court as follows :

The circumstances attending the bill for which he stood charged he could very well explain : about the month of June, 1803, a quantity of coffee, rum, and sugar, the produce of his estates in the West-Indies, were sold by his agent, a Mr. M'Claurin, to a gentleman of the name of William Anthony Bailey, for which he (Mr. Bailey) gave a bill of exchange, drawn by the house of Calvert and Simpson, of St. Christopher's, in the West-Indies, upon the house of Bond and Proctor, at Lancaster, at six months' date, for 218*l.* 16*s.* This bill he (the prisoner) consented to take as payment of the produce sold ; and coming to England upon business, he brought it with him. On being presented to the house of Bond and Proctor, acceptance was refused, and it was therefore noted, and returned to his agent in the West-Indies, in the year 1804, who, meeting with Mr. Bailey at St. Bartholomew's, received in lieu of the said bill a bond for 300*l.* to answer the damage arising from the expence of protesting, &c. as well as the original sum. This bond was transmitted to him by his agent, who advised at the same time, that Mr. Bailey would be in England, in the end of September 1804, and that the transaction could be settled with himself. On Mr. Bailey's arrival in London, January, 1805, he (Romney) received a letter from him, addressed to him when at Liverpool, informing him of his readiness to settle the business. He (the prisoner) accordingly waited on Mr. Bailey at his lodgings, Craven-street, Strand, when he offered him some other bills of exchange, drawn and accepted by other houses in England, which he (the prisoner) did not object to, provided he knew the acceptors. Several bills were then produced, and among others, that one in question for 420*l.*

which he consented to take from him, and pay him the difference, which amounted to 139*l.* 7*s.* The bill was then indorsed by Mr. Bailey to him, on his assurance that it was a good and valid draft on Messrs. Child and Co. It having then about seven or eight months to run, it became then in a manner useless to him, as he could not get it discounted. Happening to be at Bath, he offered it to Mrs. Simeon; she made no objection to take it in payment of an account run up to 150*l.* by the young woman who had accompanied him there. Mrs. Simeon agreed to account to him for the proceeds. Having occasion to go to London upon his business, Mrs. Simeon offered him the use of an apartment for his trunks, &c. which he gladly accepted of, leaving the young woman under the care of Mrs. Simeon.

He was then lodging at Sidney-house; and as he did not think it safe to leave his effects at a public hotel, he removed them to Mrs. Simeon's house, in the Grove, Bath, in his own carriage, and by his own servants. As he could not get a large Bank of England note for 100*l.* broke or changed into small notes, he applied to Mrs. Simeon who accommodated him with the loan of 30*l.* in small Bank of England notes, and at the same time he indorsed the bill for 420*l.* to that lady, in the presence of her brother, who offered him more money in country bank-notes, which he refused, as he only wanted so much as to pay the expences of his journey to London. After leaving his address with Mrs. Simeon, he was accompanied by her brother to the mail-coach. The address he left was, "Dorant's hotel, or at Harman and Co's, Old Jewry." After being a few hours in town, he was arrested at the suit of his jeweller, Mr. Davis, of Sackville-street, for a sum of nearly 700*l.* which he had refused to pay, on account of the greater part of the charge being for diamonds, sent to him at Bath, against his positive orders.

Mr. Dorant, the hotel-keeper, offered, unsolicited, to become his bail in the action, so that he was released from the lock-up house, and went to Dorant's, where he found a letter from Mrs. Simeon, apprising him of the bill being

a forgery, and requiring his return to Bath, or to advise her what she was to do in the business. He was then very ill of a fever, created by the agitation of having been arrested; but, notwithstanding his situation, he immediately set out for Bath, after writing her an answer by the mail, two or three hours after he had received her letter. On seeing Mrs. Simeon and her brother, the forgery became the subject of discussion. He avowed that he was then ready to reclaim the indorsement, and he tendered back to Mrs. Simeon the 30*l.* or 35*l.* which he had borrowed of her. She appeared to expect that he would lend her about 430*l.* which he resisted, as he had not so much money about him. He told her solicitor, who was present, that he was perfectly ready to account for the bill having come into his possession: and, therefore, that he had little to apprehend from any criminal prosecution by Messrs. Child and Co. He referred Mrs. Simeon and her brother to Mr. Hope, of Harley-street, and to Messrs. Harman and Co. of the Old Jewry, for his character, he being personally known to them. He had also recommended to Mrs. Simeon and her solicitor to make the necessary inquiries respecting the bill; and, therefore, wished them to go to London, and had readily paid their expences. He also observed, as a proof of his innocence, that he might, when in the rules of the Fleet, have made his escape, had he been conscious of any guilt; and concluded his defence by a long detail of circumstances, for the purpose of shewing that the prosecution was founded in malice. The only witness called upon in part of the prisoner was George Fox. It appeared that Elizabeth Barnet had lodged at his house, in Henrietta-street, Covent-garden, about two months; he was a tailor and draper.

Baron Thompson summed up in a very able manner, and recapitulated with great minuteness, the whole of the evidence. The jury having consulted for a few minutes, returned a verdict of—Guilty of forging the acceptance, and of uttering it, knowing it to be forged.

The trial lasted nearly twelve hours, and the court was filled in every part. Among the audience were the first

characters in the country. This unfortunate and notorious offender was executed at Ilchester, pursuant to his sentence, September 3, 1806. He was dressed in a blue coat with metal buttons, striped trowsers, green slippers, and a fur cap.

His last days were chiefly spent in writing letters, many of which he delivered to Mr. Broderip, the under sheriff, requesting they might be sent to the several persons to whom they were addressed, in England, and the West Indies. He declared his being guiltless to the last. After the usual time spent in devoutly praying under the gallows, he said a few words to the populace, entreating their prayers in his behalf, declaring that he died in peace with all the world, but still persisting in his innocence.—As soon as the cap was drawn over his face, he instantly dropped his handkerchief, and was launched into eternity.

## JOHN HOLLOWAY, and OWEN HAGGERTY.

*Executed before Newgate, February 22, 1807, for Murder.*

THE fatal accident which happened on the spot, and at the moment of the execution of these men, by which more than forty people lost their lives, and many more were terribly bruised, will cause their execution to remain a dreadful warning unto many generations. Their whole case, indeed, was attended with singular and awful circumstances. Even of their guilt many entertained doubts, and which are not entirely removed, though no further discovery has been made respecting the horrid deed. Their conviction rested, certainly, upon the evidence of a wretch as base as themselves, who stated himself to have been their accomplice.

On the 6th of November, 1802, Mr. John Cole Steele, who kept the Lavender Warehouse, in Catherine-street, Strand, was murdered, with much barbarity, on Houns-

low-heath, and his pockets rifled of their contents. The murderers escaped; and, though rewards were offered for their apprehension, no discovery was made. Every search had been made by the officers of the police after them; several loose characters were apprehended on suspicion, but discharged on examination, and all hopes had been given up of tracing the murderers—when a circumstance occurred about four years afterwards, which led to the apprehension of John Holloway and Owen Haggerty.—A man of the name of Benjamin Hanfield, who had been convicted at the Old Bailey, of grand larceny, was sentenced to seven years' transportation. He was conveyed on board a hulk at Portsmouth, to await his departure for New South Wales; but having been taken with a severe illness, and tortured in his mind by the recollection of the murder, about which he constantly raved, he said he wished to make a discovery before he died. A messenger was immediately dispatched to the police magistrates at Bow-street, to communicate the circumstance, and an officer was sent to bring him before them. When he was brought on shore, they were obliged to wait several days, his illness not permitting his immediate removal. On his arrival in town, the magistrates sent him, in custody of an officer, to Hounslow-heath. He there pointed out the fatal spot where the murder was perpetrated, and related all the circumstances, which he alleged to have attended it; and as his evidence implicated Haggerty and Holloway, measures were taken to apprehend them. Several private examinations of all the parties took place. Hanfield was admitted king's evidence, and the public once more cherished a hope that the murderers would meet the punishment they deserved.

Monday, February 9, being the day appointed for the final and public examination of the reputed perpetrators of this atrocious murder, Holloway and Haggerty were brought up before Joseph Moser, Esq. the sitting magistrate at the police-office, Worship-street, charged with wilfully murdering Mr. J. C. Steele, on Saturday night, the 6th of November, 1802, on Hounslow-heath.



There was a great body of evidence adduced, none of which tended materially to criminate the prisoners, except that of Hanfield, the accomplice, who, under the promise of pardon, had turned king's evidence.

The prisoners denied having any knowledge whatever of the crime laid to their charge, but heartily hoped that punishment would come to the guilty.

The magistrates, however, after maturely considering the whole of the evidence adduced, thought proper to commit the prisoners fully for trial at the next quarter sessions at the Old Bailey, and bound over no less than twenty-four persons to appear and give evidence on the trial.

Such was the eager curiosity of the public to know the issue of this trial, which came on February 20, 1807, before Sir Simon Le Blanc, that the whole court and area of the Old Bailey was greatly crowded.—When put to the bar, Holloway appeared to be about forty years of age, of great muscular strength, tall, and of savage, brutal, and ferocious countenance, with large thick lips, depressed nose, and high cheek bones. Haggerty was a small man, twenty-four years of age.

The first witness called was Mr. Meyer, the brother-in-law to the murdered Mr. Steele, who deposed, that the deceased left his house in London, on the 5th of November, 1802, giving his family to understand that he should return on the next day. He proceeded to Feltham that night, where he had a house and garden, to grow and distil lavender, which he left on Saturday evening, for the purpose of returning to London, which he never reached. His long absence caused alarm in his family, and a number of persons were dispatched in different directions in search of him. At length his body was found in a ditch, shockingly disfigured by wounds, and a leathern strap tied very tight round the neck; by the side of the body was found a large bludgeon, a pair of old shoes, and an old hat, trimmed with worsted binding. At some distance on the other side of the road, were discovered several marks of blood; and the body

seemed to have been dragged some distance from the spot where the murder had been committed.

Mr. H. Manny was next called. He said that he was inspector to the works of the late Mr. Steele, at Feltham, at the time this transaction took place. He well recollected that Mr. Steele, the deceased, was there on Saturday the 6th of November, and that he left Feltham about seven o'clock in the evening, with the intention of returning to town. This witness now entered into a description of his dress, which corresponded with the account given before the coroner.

William Pugh, who was next called, said, that in the month of November, 1802, he was, in consequence of a report that the deceased was missing, employed to search for the body; that accordingly himself, with several others, entered upon a strict search, in which they were ultimately successful. That the body was found lying at the bottom of a ditch near a clump of trees, a short distance from the barracks. The witness described very minutely the position of the body, and the wounds that were at first perceptible.

Mr. H. Frogley, a surgeon, of Hounslow, was employed to examine the body at the time it lay at the Ship public-house for the coroner's jury; and he gave it as his decided opinion, that Mr. Steele certainly died in consequence of the violent bruises he had received. The witness examined the body of the deceased, and found not only an extensive fracture on the forehead, sufficient to occasion death, with laceration of the ligaments, but also a great laceration on the back part of the head, and some severe bruises on the upper part of the right arm. Indeed the horrid and inhuman perpetrators of this atrocious deed seemed to have exercised their utmost cruelty on the unfortunate victim, who must, for some considerable time after they left him, have remained in a state of miserable suffering. For the better illustration of the testimony adduced, a sketch of Hounslow-heath, (by Mr. Kinnaird) was now produced in court.

The king's pardon, under the great seal to Hanfield,

alias Enfield, remitting his sentence of transportation for seven years, for a larceny, which he had been convicted of, and restoring him to his competency as a witness, was read.

Benjamin Hanfield then deposed nearly to the following effect :

“ I have known Haggerty eight or nine years, and Holloway six or seven. We were accustomed to meet at the Black Horse, and Turk’s Head public-houses, in Dyot-street. I was in their company in the month of November, 1802. Holloway, just before the murder, called me out from the Turk’s Head, and asked me, If I had any objection to be in a good thing? I replied I had not. He said it was a “ *Low Toby*,” meaning it was a foot-pad robbery. I asked when and where. He said he would let me know. We parted, and two days after we met again, and Saturday the 6th of November was appointed. I asked who was to go with us? He replied, that Haggerty had agreed to make one. We all three met on the Saturday, at the Black Horse, when Holloway said, Our business is to “ *sarve*” a gentleman on Hounslow-heath, who I understand travels that road with property. We then drank for about three or four hours, and about the middle of the day we set off for Hounslow. We stopped at the Bell public-house, and took some porter. We proceeded from thence upon the road towards Belfont, and expressed our hope that we should get a good booty.— we stopped near the eleventh mile-stone, and secreted ourselves in a clump of trees. While there, the moon got up, and Holloway said, we had come too soon. After loitering about a considerable time, Holloway said he heard a footstep, and we proceeded towards Belfont. We presently saw a man coming towards us, and, on approaching him, we ordered him to stop, which he immediately did. Holloway went round him, and told him to deliver. He said, we should have his money, and hoped we would not ill use him. The deceased put his hand in his pocket, and gave Haggerty his money. I demanded his pocket-book. He replied, that he had none. Holloway insisted that he had a book, and if he did not

deliver it, he would knock him down. 'I then laid hold of his legs. Holloway stood at his head, and said if he cried out he would knock out his brains. The deceased again said, he hoped we would not ill use him. Haggerty proceeded to search him, when the deceased made some resistance, and struggled so much, that we got across the road. He cried out severely; and as a carriage was coming up, Holloway said, "Take care, I will silence the b——r," and immediately struck him several violent blows on the head and body. The deceased heaved a heavy groan, and stretched himself out lifeless. I felt alarmed, and said, "John, you have killed the man!"—Holloway replied, that it was a lie, for he was only stunned. I said I would stay no longer, and immediately set off towards London, leaving Holloway and Haggerty with the body. I came to Hounslow, and stopped at the end of the town for near an hour. Holloway and Haggerty then came up, and said they had done the trick, and, as a token, put the deceased's hat into my hand.—The hat Holloway went down in was like a soldier's hat. I told Holloway it was a cruel piece of business, and that I was sorry I had any hand in it. We all turned down a lane, and returned to London. As we came along I asked Holloway if he had got the pocket-book. He replied, it was no matter, for as I had refused to share the danger, I should not share the booty. We came to the Black Horse, in Dyot-street, had half a pint of gin, and parted. Haggerty went down in shoes, but I don't know if he came back in them. The next day I observed Holloway had a hat upon his head, which was too small for him. I asked him if it was the same he got the preceding night. He said it was.—We met again on the Monday, when I told Holloway that he acted imprudently in wearing the hat, as it might lead to a discovery. He put the hat into my hand, and I observed the name of Steele in it. I then repeated my fears.—At night Holloway brought the hat in a handkerchief, and we went together to Westminster bridge, where we filled the hat with stones, and having tied the lining over it, threw it into the Thames.

The witness being cross-examined by counsel for the prisoners, said, he had made no other minutes of the transactions he had been detailing, than what his conscience took cognizance of. It was accident that led to this disclosure. He was talking with other prisoners in Newgate of particular robberies that had taken place; and the Hounslow robbery and murder being stated amongst others, he inadvertently said, that there were only three persons who knew of that transaction. The remark was circulated and observed upon, and a rumour ran through the prison, that he was about to turn "*nose*;" and he was obliged to hold his tongue, lest he should be ill used.

When at Portsmouth, on board the hulks, the compunctions of conscience came upon him, and he was obliged to dissipate his thoughts by drinking, to prevent him from divulging all he knew. He admitted that he had led a vicious life, that he had been concerned in several robberies, and had entered and deserted from several regiments. He had served in the East and West London militias, had enlisted into the 9th and 14th light dragoons, and had been in the army of reserve. He added, that he was ashamed and sorry at what he had been, and would endeavour to mend his life in future.

John Vickery stated, that he had been sent to Portsmouth to bring up Hanfield, who was then confined on board the hulks, waiting to be transported with others, pursuant to his sentence. He was immediately delivered into his custody, and they returned to London. As they passed across the heath of Hounslow, on the top of the coach, Hanfield pointed to a spot near a clump of trees, just at the eleventh mile stone, which he said was the place where the murder had been committed; but they had then no further conversation on the subject, as they were surrounded by people on the top of the coach. Hanfield, on his arrival in town, underwent an examination; in consequence of which he and the witness went together to Hounslow. They stopped at the Bell inn, whence they proceeded to the heath; when Hanfield again pointed

out the place where the crime was perpetrated, which the witness thought exactly the same as that pointed out by the former witness, detailing the circumstances of the murder previous to his escape from his companions, in almost the same words as he had described them to the court. The witness and he returned to town. Soon after the witness apprehended Holloway at Brentford, during the last election, and brought him to town. When he was examined before the presiding magistrate of Worship-street office, he declared he was perfectly innocent; but added, "if they would let him go, he would down on his knees to both the magistrates and the witness."—He was remanded for further examination.

The witness went down to Deal, where he apprehended the prisoner Haggerty, on board the Shannon frigate, as a marine.

Several witnesses were called, who proved that they had frequently seen Holloway and Haggerty in company with each other.

John Nares, Esq. the magistrate, said, that the prisoners were examined by him apart, when Hanfield was produced in evidence against them. He then read from a paper the examination of Haggerty, in which he denied knowing any thing of either Hanfield or Holloway, or being at the Turk's Head, or Black Horse porter-houses. Haggerty acknowledged he had been in confinement in July, 1802, in Tothill-fields. After his liberation, he said, he worked for some time with Mr. Smith, of Castle-street, as a plasterer, that his working-dress was usually a green velveteen jacket and small clothes; but Mr. Smith denied his having ever been employed by him. The same paper stated, that Holloway had acknowledged he knew Hanfield and Haggerty, but had never drank in their company; had never been at Hounslow in his life. He alledged he had worked for a Mr. Rose, and others, in November, 1802, which, on application, was found to be inaccurate, as he had not worked for them till March, 1803.

James Bishop, a police officer, stated, that in the rear of the Public-office in Worship-street, are some strong

rooms for the safe keeping of prisoners during their successive examinations. In two of these rooms, adjacent to each other, and separated by a strong partition, the prisoners were separately confined, and immediately behind these rooms is a privy. In this privy he took post regularly, after each successive day's examination; and as the privy went behind both rooms, he could distinctly overhear the conversation of the prisoners, as they spoke pretty audibly to each other from either side of the partition. Of this conversation he took notes, which were afterwards copied out fairly, and proved before the magistrates; and which he, on this occasion, read as his evidence in court.

Mr. Andrews, counsel for the prisoners, objected to this sort of evidence, it being impossible, he said, that the officers could overhear all that was said, and that the conversations thus mutilated might be misconstrued:—besides, the minds of officers, for the sake of reward, were always prejudiced against the prisoners. His objections, however, were over-ruled by the court.

These conversations run to a very considerable length; but the material points were few. They shewed, however, from the words of the prisoners' own conversation, that all they had said before the magistrates, in the denial of any acquaintance with each other, or with Hanfield, was totally false, and a mere stratagem to baffle the testimony of the latter, who they hoped had secured his own execution by confessing his guilt, without being able to prove theirs; for they were confident the magistrates would not believe his testimony; and that there was no other witness to prove any clue to the fact, or that saw them together near Hounslow, where, from the whole connected tenor of their conversation, it was clear they had been on the night of the murder. Haggerty asked Holloway after one of the latter examinations, "Where did Hanfield say we had the gin that night, after we came to town?" To which Holloway answered, "At the Black Horse, in Dyot-street." Haggerty then replied, "It must be the Black Horse we had the gin sure enough."

John Smith, a coachman to the Gosport coach, in the month of November, 1802, near eight o'clock in the evening of the above-mentioned day, heard, as he passed across Hounslow heath, on the right hand side of the road, near the eleven mile-stone, two groans, the last more faint than the other ; on which he remarked to some one on the outside of the coach, that " there was something desperate carrying on there."

Isaac Clayton, beadle of Hounslow, said, he received a pair of shoes and a stick from some person he does not recollect, just after the murder of Mr. Steele : he recollected, near six years ago, seeing Holloway in company with a man of the same name, who had a wooden leg, about the town of Hounslow ; and had seen him also at Brentford election, and other places. The prisoner himself acknowledged he knew him, when examined in Worship-street.

Joseph Townsend, police-officer of Worship-street, produced a huge knotty bludgeon, a pair of shoes, and a hat, which had been given several years ago to Clayton, by Hughes, and were delivered to him by Clayton.

J. Blackman, an officer, knew Haggerty seven years, Hanfield five years, and Holloway a year and a half.—About four years ago, he had often seen them together at the Turk's Head, where he conversed with Haggerty, and observed to him he had lately been in a good thing, as his dress was much improved ; the prisoner said, he had left it all off now, as he was serving a plasterer, near Hounslow. He was dressed in a green velveteen jacket and small clothes.

A hat was then produced in court, which had been the property of the deceased, by whom it was given to a servant man, who had since worn it almost to rags. The hat had been very much widened in the wearing, and when placed on Holloway's head, appeared rather too large for him.

William Robinson, hatter to the deceased, stated, that the hat must have been enlarged by wearing, as he had Mr. Steele's measure in 1802, and could answer for it,



that the deceased's hat must nearly fit the prisoner Holloway, as their heads were nearly the same size.

William Britten, shoe-maker, knew well the deceased's measure, and thought his boots would fit the prisoner, Haggerty. The shoes produced in court, he said, he had tried on the prisoner, and found them rather too large; but added, that it was plain from the manner the hind quarter of the shoe had fallen inwards, that they were too large for their original wearer.

The prosecution being closed, the prisoners were called to make their defence.

Haggerty protested he was completely innocent of the charge, was totally ignorant of the prosecutor Hanfield, denied ever being at Hounslow, and endeavoured to point out some inconsistencies in the evidence which had been adduced by Hanfield.

Holloway declared he was equally innocent of the charge; but admitted he had been at Hounslow more than once, might have been in the company of the prisoners Haggerty and Hanfield, but was not acquainted with either of them.

The prisoner's counsel then produced, as a witness for the prisoners, John Shuter, one of the head turnkeys of the jail, in whose custody Hanfield had been for some time. He then proceeded to ask some questions, tending to invalidate Hanfield's evidence; but as the witness could state nothing from his own knowledge, he was not permitted to be further examined.

Mr. Justice Le Blanc summed up the evidence in a very clear and perspicuous manner, making some very humane observations upon the nature of the testimony given by accomplices, recommending the jury to divest themselves of every feeling but that of strict justice; and to compare with precision the circumstantial evidence (which was the only evidence we could arrive at in most cases of murder, on account of its usual secrecy) with the direct and positive testimony of the approver Hanfield. He admitted that such testimony should be received with caution; yet such strong collateral evi-

dence must have its due weight and influence on their verdict.

The jury retired for about a quarter of an hour, and returned with a verdict of guilty against both the prisoners.

The Recorder immediately passed sentence in the most solemn and impressive manner, and the unhappy men were ordered for execution on the following Monday morning.

They went from the bar protesting their innocence, and apparently careless of the miserable and ignominious fate that awaited them.

Since conviction, Haggerty and Holloway conducted themselves with the most decided indifference. On Saturday, February 21, the cell-door, No. 1, in which they were both confined, was opened about half-past two, and they were then reading in two prayer-books by candle-light, as the cell is very dark.

On Sunday several magistrates interrogated them ;— but they still persisted in their innocence.

During the whole of Sunday night, they were engaged in prayer, never slept, but broke the awful stillness of midnight by frequent protestations of reciprocal innocence. At five they were called, dressed, and shaved, and about seven were brought into the press-yard.—— There was some difficulty in knocking off the irons of Haggerty ; he voluntarily assisted, though he seemed much dejected, but by no means pusillanimous. A message was then delivered to the sheriffs, purporting that Holloway wanted to speak with them in private. This excited very sanguine expectations of confession ; but the sheriffs, on their return, intimated to the gentlemen in the press-yard, that Holloway wanted to address them publicly ; and therefore requested they would form themselves into a circle, from the centre of which Holloway delivered, in the most solemn manner, the following energetic address :—“ Gentlemen, I am quite innocent of this affair. I never was with Hanfield, nor do I know the spot. I will kneel and swear it.” He then knelt

down, and imprecated curses on his head if he were not innocent, and expressed, "By God, I am innocent."

Owen Haggerty then ascended the scaffold. His arms were pinioned, and the halter round his neck: he wore a white cap, and a light olive shag great coat: he looked downwards, and was silent. He was attended by a Roman Catholic clergyman, who read to him, and to whom the unfortunate culprit seemed to pay great attention: he made no public acknowledgment of either guilt or innocence. After the executioner had tied the fatal noose, he brought up John Holloway, who wore a smock frock and jacket, as it had been stated he did at the time of the murder: he had also a white cap on; was pinioned, and had a halter round his neck: he had his hat in his hand; and mounting the scaffold, he jumped and made an awkward bow, and said, "I am innocent, innocent, by God!" He then turned round, and bowing, made use of the same expressions, "Innocent, innocent, innocent! Gentlemen!—No verdict! No verdict! No verdict! Gentlemen—Innocent! innocent!" At this moment, and while in the act of saying something more, the executioner proceeded to do his office, by placing the cap over the face of Holloway; to which he, with apparent reluctance, complied; at the same time uttering some words. As soon as the rope was fixed round his neck, he continued quiet. He was attended in his devotions by an assistant at Rowland Hill's chapel.

The last that mounted the scaffold was Elizabeth Godfrey. She had been a woman of the town, aged 34, who had been capitally convicted of the wilful murder of Richard Prince, in Mary-le-bone parish, on the 25th of December, 1806, by giving him a mortal wound with a pocket-knife in the left eye, of which wound he languished and died. Immediately on receiving sentence, the woman's firmness and recollection seemed to fail her, and she appeared bordering on a state of frenzy. At the place of execution she was dressed in white, with a close cap, and long sleeves, and was attended by the Rev. Mr. Ford, the ordinary of Newgate; but her feel-

ings appeared to be so much overpowered, that notwithstanding she bore the appearance of resignation in her countenance, her whole frame was so shaken by the terror of her situation, that she was incapable of any actual devotion.

They were all launched into eternity together, about a quarter after eight. It was a long time before the body of the poor female seemed to have gone through its last suffering.

The crowd which assembled to witness this execution was unparalleled, being, according to the best calculation, near 40,000; and the fatal catastrophe, which happened in consequence, will cause the day long to be remembered. By eight o'clock not an inch of ground was unoccupied in view of the platform. The pressure of the crowd was such, that before the criminals appeared, numbers of persons were crying out in vain to escape from it: the attempt only tended to increase the confusion. Several females of low stature, who had been so imprudent as to venture among the mob, were in a dismal situation: their cries were dreadful. Some, who could be no longer supported by the men, were suffered to fall, and were trampled to death. This also was the case with several men and boys. In all parts there were continued cries of Murder! Murder! particularly from the female part of the spectators and children, some of whom were seen expiring without the possibility of obtaining the least assistance, every one being employed in endeavours to preserve his own life. The most affecting scene of distress was seen at Green-Arbour-Lane, nearly opposite the debtor's door. The terrible occurrence which took place near this spot, was attributed to the circumstance of two pie-men attending there to dispose of their pies, and one of them having his basket overthrown, which stood upon a sort of stool with four legs, some of the mob, not being aware of what had happened, and at the same time severely pressed, fell over the basket and the man at the moment he was picking it up, together with its contents. Those who once fell were never more suffered to rise, such was the violence of the

mob. At this fatal place, a man of the name of **Herrington** was thrown down, who had in his hand his youngest son, a fine boy about twelve years of age. The youth was soon trampled to death: the father recovered, though much bruised, and was amongst the wounded in **St. Bartholomew's** hospital. A woman, who was so imprudent as to bring with her a child at the breast, was one of the number killed: whilst in the act of falling, she forced the child into the arms of the man nearest to her, requesting him for God's sake, to save its life: the man finding it required all his exertion to preserve himself, threw the infant from him, but it was fortunately caught at a distance by another man, who, finding it difficult to ensure its safety or his own, got rid of it in a similar way. The child was again caught by a person who contrived to struggle with it to a cart, under which he deposited it until the danger was over, and the mob had dispersed.— In other parts the pressure was so great, that a horrible scene of confusion ensued, and seven persons lost their lives by suffocation alone. It was shocking to behold a large body of the crowd, as one convulsive struggle for life, fight with the most savage fury with each other; the consequence was, that the weakest, particularly the women, fell a sacrifice. A cart, which was overloaded with spectators, broke down, and some of the persons falling from the vehicle were trampled under foot, and never recovered. During the hour the men were hanging, little assistance could be afforded to the unhappy sufferers; but after the bodies were cut down, and the gallows removed to the **Old Bailey Yard**, the marshals and constables cleared the street where the catastrophe occurred, and, shocking to relate, there lay nearly 100 persons dead, or in a state of insensibility, strewed round the street.— Twenty-seven dead bodies were taken to **St. Bartholomew's** hospital; four in **St. Sepulchre's** church; one to the **Swan on Snow-hill**; one to a public-house opposite **St. Andrew's** church, **Holborn**; one, an apprentice, to his master's; **Mr. Broadwood**, piano-forte maker, in **Golden-square**; a mother was seen carrying away the body of her dead boy; **Mr. Harrison**, a respectable gentleman, was taken

to his house at Holloway. There was a sailor boy killed opposite Newgate, by suffocation: he carried a small bag, in which he had some bread and cheese, as it is supposed he came some distance to behold the execution. After the dead, dying, and wounded, were carried away, there was a cart-load of shoes, hats, petticoats, and other articles of wearing apparel, picked up. Until four o'clock in the afternoon, most of the surrounding houses had some persons in a wounded state: they were afterwards taken away by their friends on shutters, or in hackney-coaches. The doors of St. Bartholomew's hospital were closed against the populace. After the bodies of the dead were stripped and washed, they were ranged round a ward on the first floor, on the women's side; they were placed on the floor with sheets over them, and their clothes put as pillows under their heads: their faces were uncovered: there was a rail along the centre of the room: the persons who were admitted to see the shocking spectacle went up on one side, and returned out on the other. Until two o'clock, the entrances to the hospital were beset with mothers weeping for sons! wives for their husbands! and sisters for their brothers! various individuals for their relatives and friends!

Seldom has such a scene of distress and misery presented itself in this metropolis. When the gates were opened, a great concourse was admitted; and when the yard was full, the gates were again closed, until the first visitors retired from the scene of woe: as soon as any of the deceased were recognized, the body was either put into a shell, or the face covered over, with the name of the party written on a paper, and pinned over the body.

The next day (Tuesday) a coroner's inquest sat in St. Bartholomew's hospital, and other places where the bodies were, on the remains of the sufferers. Several witnesses were examined with respect to the circumstances of the accident, which examination continued till Friday, when the verdict was, "That the several persons came by their death from compression and suffocation."

## GEORGE ALLEN,

*Executed at Stafford, March 30, 1807, for the Murder of his three Children.*

WE would fain believe that insanity caused the horrid deed to be committed which we have now to name. It appeared in evidence on the trial that this most unfortunate man, George Allen, had previous thereto been subject to epileptic fits; but that on Sunday preceding the day whereon he committed the murder, he was considerably better. Though a jury found him guilty of premeditated murder, we must, in charity to the failings of human nature, suppose that one of these mental derangements, epilepsy, again seized him at the time he committed this strange, cruel, and most unnatural murder. His examination before the coroner also seems to favour this opinion. At eight o'clock in the evening of the 12th of January, 1807, he retired to rest, and when his wife followed him in the course of an hour, she found him sitting upright in bed, smocking his pipe, which was his usual custom. In another bed in the same room, lay three of his infant children asleep, the eldest boy about ten years old, the second a girl about six, and another boy about three. The wife having got into bed, with an infant at her breast, Allen asked her, 'What other man she had in the house with her?' to which she replied, 'That no man had been there but himself.' He insisted to the contrary, and his wife continued to assert her innocence. He then jumped out of bed, and went down stairs, and she from an impulse of fear, followed him; she met him on the stairs, and asked what he had been doing in such a hurry? in answer to which he ordered her to get up stairs again. He then went to the bed where his children were, and turned down the clothes. On her endeavouring to hold him, he told her, 'to let him alone, or he would serve her the same sauce,' and immediately attempted to cut her throat, in which he partly succeeded, and also wounded her right breast; but a handkerchief she wore about her

head and neck prevented the wound from being fatal.— She then extricated herself (having the babe in her arms all the time, which she preserved unhurt,) and jumped or rather fell down stairs. Before she could well get up, one of the children (the girl) fell at her feet, with its head nearly cut off, and which he had murdered and thrown after her. The woman opened the door, and screamed out, ‘That her husband was cutting off their children’s heads.’ A neighbour shortly came to her assistance; and a light having been procured, the monster was found standing in the middle of the house-place, with a razor in his hand. He was asked what he had been doing? when he replied coolly, ‘Nothing yet; I have only killed three of them.’ On their going up stairs, a most dreadful spectacle presented itself: the head of one of the boys was very nearly severed from his body, and the bellies of both were partly cut, and partly ripped open, and the bowels torn completely out, and thrown on the floor. Allen made no attempt to escape, and was taken without resistance. He said that it was his intention to murder his wife and all her children, and then to have put an end to himself. An old woman, who lay bed-ridden in the same house, he professed his intention also to have murdered. An inquest was held on the bodies of the three children, before Mr. Hand, coroner of Uttoxeter, when he confessed his guilt, but without expressing any contrition.— In answer to other interrogations, he promised to confess something that had lain heavy on his mind; and Mr. Hand, supposing it might relate to a crime he had heretofore committed, caused him to be examined in the presence of other gentlemen, when he told an incoherent story of a ghost, in the shape of a horse, having, about four years ago, enticed him into a stable, where it drew blood from him, and then flew into the sky. With respect to the murder of his children, he observed to the coroner, with apparent unconcern, that he supposed “it was as bad a case as ever he heard of.”

The horrid circumstances of these unparalleled murders having been fully proved, he was convicted, and suffered the final sentence of the law, without evincing a just sense of his crimes.



## MARTHA ALDEN,

*Executed at Norfolk, July 31, 1807, for Murder.*

OF the many instances which we have already adduced, wherein women have committed that very worst of all crimes, the murder of their husbands, perhaps no case has been attended with more malice, fore-thought, art, and cruelty, than that perpetrated by Martha Alden.

Her trial for this offence, came on at the summer assizes for the county of Norfolk in the year 1807.

Samuel Alden, the victim of her brutality, was a husbandman, occupying a small cottage near Attleburgh in that county; and was accounted a quiet, industrious, character.

The first witness, Edmund Draper, stated, that he had known the deceased Samuel Alden, the husband of the prisoner at the bar; that on Saturday, the 18th of July, he was in company with the deceased at the White Horse public-house at Attleburgh; that the prisoner, who was present when witness and the deceased met, said to them she was going home with her child, and went away; witness sat drinking with Alden till near twelve o'clock, chatting with the wife of the publican; he then accompanied the deceased to his house, which lay in the way to his own home: witness stated, that he himself was perfectly sober at the time; that Alden, however, was rather fresh, but sober enough to walk staggering a little: he staid at Alden's house about three minutes, during which time he noticed that there was a larger fire burning on the hearth in the kitchen than was usual at that time of the year: he said Alden appeared in good health, and that no ill words passed between the deceased and the prisoner in his presence: he proceeded home in the direction of Thetford, and saw no one on the road. This witness described Allen's house to consist of a kitchen and bedroom, both on the same floor, and separated from each other by a small narrow passage; he saw no one in the house except the prisoner and the deceased, and a little boy about seven years old.

Charles Hill, of Attleburgh, stated, that on the morning of Sunday, the 19th, he rose between two and three to go on a journey to Shelf-Anger Hall, about ten miles from Attleburgh, to see a daughter. The morning being wet, he took the turnpike road, in the direction to Thetford, and passed by Alden's house, from which his own is only two furlongs distant. When he approached the deceased's house, he saw the door open, and the prisoner standing within a few yards of the door; this was nearly at three o'clock in the morning. The prisoner accosted the witness saying, "she could not think what smart young man it was coming down the common." The witness replied, "Martha, what the devil are you up to at this time of the morning?" She said, she had been down to the pit in her garden for some water, this garden was on the opposite side of the road to the house: she also said, "she had not returned long from the town, (meaning Attleburgh town,) where she had been at the White Horse, her husband and Draper, and herself, all came home together, and her husband was gone back again, she did not know where." The witness did not go into the house; but, looking in, saw some old clothes lying in a heap next the hearth, which on his enquiring, she said covered her little boy, who was asleep there. The prisoner said, that he (by which the witness understood her to mean her husband) had a brother going into Essex, and had sworn he would go with him; whereupon the witness observed, that he knew Alden had let himself to harvest to Mr. Parson, which the prisoner assenting to, the witness farther said, "If he go into Essex, he won't come back to harvest." The prisoner replied, "I know he will never come back; and if he has got a job, he never will settle to it." The witness saw no person besides in the road.

Sarah Leeder, widow, of Attleburgh, knew the prisoner at the bar: she stated, that on Monday night, the 20th of July, the prisoner came to her house to borrow a spade, for that a neighbour's sow had broken into her garden and rooted up her potatoes; the witness lent her one, which was marked J. H. and she went away with it. On the following evening (Tuesday 21) about eleven

o'clock, she went out of her house upon the common to look for some ducks she had missed, and found them in a small pit : near this pit there was another of a larger size, besides a place called Wright's plantation : in this greater pit or pond, she saw something lying which attracted her attention ; she went to the edge of the pond, and touched it with a stick, upon which it sunk and rose again ; but the place, though the moon shone, being shaded, she could not discover what it was, and went home for the night. The next morning (Wednesday 22d.) however, the witness returned to the spot, and again touched the substance, with a stick which still lay almost covered with water ; she then, to her great terror, saw the two hands of a man appear, with the arms of a shirt stained with blood. She instantly concluded that a man had been thrown in there murdered, and calling to a lad to go and acquaint the neighbourhood with the circumstance, went back in great alarm to her own house. In a quarter of an hour she returned again to the pond, and found that in her absence the body had been taken out : she then knew it to be the body of Samuel Alden : his face was dreadfully chopped, and his head cut very nearly off : the body was put into a cart, and carried to the house of the deceased. The witness afterwards went to look for her spade, and found it standing by the side of a hole, which she described to look like a grave, dug in the ditch which surrounds Alden's garden : she further stated, that this hole was open, not very deep, and that she saw blood lying near it. The witness then went into the house, and, entering the bed-room, saw the marks of blood on the bed's feet, and on the bed-tick : the wall, close against which the bed stood, was also stained with blood. Being interrogated as to what clothes were on the body when taken out of the pond, she said it had on an old coat, with a slop or shirt over it, but neither shoes, stockings, nor breeches on : the shirt was turned over the head. Mary Parker, a young woman, who lived in Attleburgh, was passing over the common on her way to Attleburgh, on Tuesday (21st July,) and saw the prisoner digging in the garden. The wit-

ness went up to her and said, " You' are stopping gaps : " the prisoner answered, " Yes, where Mrs. Leeder's sow had got in and spoiled her potatoes." When the witness first saw her, she was digging in the ditch separating the garden from Mr. Parson's field, at the bottom, as if to deepen it; but before the witness got close to her, she had gone to another part of the garden, three or four yards distant; and then got over the fence into the common. The witness saw no branches in the fence, only a little mould thrown down where the prisoner had got over. This witness also saw the body taken out of the pit, and corroborated the testimony of the former witness as to its appearance and dress.

Edward Rush stated, that on Wednesday morning (the 22d of July,) by order of the constable of Attleburgh parish, he searched the prisoner's residence: in a dark chamber he found a bill-hook, which on examination appeared to have blood on its handle, and also on the blade; but looked as if it had been washed; he also confirmed the statement of a preceding witness as to the state of the bed-room in the house of the deceased, and described its dimensions to be about seven feet by ten.

William Parson, jun. of Attleburgh, stated, that he had known the deceased Samuel Alden and the prisoner at the bar, as reputed man and wife, for the last six or seven years, and that they lived in a cottage in Attleburgh: he further deposed, that on Sunday, the 19th of July, between six and seven in the morning, he met the prisoner in company with a young woman, named Mary Orvice, on the turnpike-road, not far from Alden's house; the prisoner told him she had lost her husband; that two men in sailor's habits went past her house about two o'clock in the morning, and she had told them, if they overtook a man upon the road, to send him back; but that they only gave her a dirty answer, and passed on. She expressed herself very unhappy about her husband, and feared that he was either murdered or drowned. On the following morning he saw her again; she then said she had lost her husband, and that she had been walking above thirty miles that very day to look for him.

This witness further stated, that he was one of the persons who examined Alden's house and premises, on Wednesday (the 22d,) and the two following days; his evidence on this point agreed with that of former witnesses, and also went to substantiate some additional particulars, namely, that the chimney-board, on the opposite side of the room to the bed was also marked with blood-stains, which bore the appearance of an attempt having been made to scrape them off with a knife; that the wall of a narrow passage leading from the bed-room to the kitchen was in places discoloured with blood; he also described one of the bed's feet to have had similar stains upon it: this the witness had knocked off, and taken away with him; and, being produced in court, it was but too correctly found to answer the witness's description: he also found a sack upon the bed, with some spots of blood upon it, and a piece of another sack, which seemed to have been partly washed. In a shed adjoining the house, he likewise discovered another sack, concealed underneath nearly a hundred flags of turf: this sack was also produced for the satisfaction of the jury; and exhibited an appearance which struck the court with horror and disgust. Being interrogated as to the distance which Alden's house stood from the pit in which the body was found; Mr. Parson stated, he had measured, and found it to be exactly 390 yards. He also observed the place mentioned by a former witness, which had been dug in the ditch of a garden; it looked like a grave, was about six feet in length, nineteen inches in depth, and of width sufficient to admit a human body; the soil was of hard clay; it was situated thirty-eight yards from the cottage.

Mr. Marner, surgeon, of Attleburgh, on Wednesday, at the request of the parish-officers, examined the body of Samuel Alden: he found a deep and mortal wound round the neck, reaching from ear to ear, and an extensive and deep cut across the forehead, and another cut down the left cheek, by which the jaw was broken. These wounds, Mr. Marner added, were such as a man could not possibly inflict upon himself.

Mary Orvice stated, that she had been acquainted with the prisoner a good while, and had frequently been at her house. The witness lives at her father's house, a little distance from the prisoner's dwelling. On Sunday (the 19th,) the prisoner asked her to go with her to her house: when she got there, the prisoner said to her, "I have killed my husband;" and taking her into the bedroom, shewed her the body lying on a bed, quite dead with the wounds as before described; her account of the state and appearance of the room, perfectly coincided with the descriptions of the former witnesses; she also said she saw a hook lying on the floor all bloody: when the hook was shewn to her in court, she said it was the very same she had then seen. The prisoner then produced a common corn-sack; and, at her request, the witness held it whilst the prisoner put the body into it; the prisoner then carried the body from the bed room, through the passage and kitchen, out of the house, across the road to the ditch surrounding the garden, and left it there after throwing some mould over it. The witness then left the prisoner, and went to Larling; the prisoner slept that night at the witness's father's house. On the following night (the 20th,) between nine and ten o'clock, the witness was again in company with the prisoner, and saw her remove the body of her husband (who was a small man) from the ditch of the garden to the pit, on the common, dragging it herself along the ground in the sack; and, when arrived at the pit, the prisoner shot the body into it out of the sack, which she afterwards carried away with her: the deceased had a shirt and slop on. In answer to a question from the judge, the witness said the weather was dry. The prisoner said nothing to her at the time, and she went home. The next morning (Tuesday) the witness went to the prisoner's house, and assisted in cleaning it up, taking some warm water, and washing and scraping the wall next the bed. This witness's evidence respecting the marks of blood about the room agreed precisely with the description given by Mr. William Parson, jun. The prisoner took up some loose straw, and told the witness she would carry and throw it into Mr. Par-

son's ditch, because it was bloody. The prisoner bade the witness to be sure not to say a word about the matter ; for, if she did, she (the witness) would certainly be hanged. Upon being questioned to that effect by the judge, this witness further stated, that she had told the story to her father on the Tuesday night, and to nobody else.

On his lordship asking the prisoner what she had to say in her defence, she told an incoherent sort of story, which however, as far as it was at all intelligible, seemed rather to aim at making the testimony of the last witness appear contradictory and suspicious, and to implicate her in the guilt of the transaction, than to deny the general charges which had been adduced against herself.

The learned judge then summed up the evidence in a very full and able manner ; pointing out, with great perspicuity, those parts of it, an intention to which was more particularly calculated to assist the jury in their important decision, humanely laying a stress on whatever circumstance seemed to be of a nature in the smallest degree favourable for the prisoner. On the subject of Mary Orvice's testimony, his lordship remarked, that it certainly came under great suspicion, as being that of an accessory to the attempted concealment of the murder. Viewing it in that light, therefore, and taking it separately, it was to be received with extreme caution : but, if it should be found, in most material facts, to agree with and corroborate the successive statements of the other witnesses, whose declarations did not labour under those disadvantages, the jury were then to give it its due weight and avail themselves of the information which it threw on the transaction.

The jury consulted together for a short time, and found the prisoner Guilty. Whereupon the learned judge, after a short, but very solemn and impressive address to the prisoner at the bar, in which he observed that he had never before met with a case so horrid and atrocious, proceeded to pass upon her the awful sentence of the law ; which was, that, on Friday, she should be drawn on a

hurdle to the place of execution, there to be hanged by the neck till she was dead, and her body afterwards to be dissected.

The trial lasted upwards of three hours. The court, during the whole time, was excessively crowded, and the heat was consequently very great; several of the female part of the audience were overpowered by it, and obliged to be carried out.

The behaviour of the wretched woman during her trial, as well as before it, appeared in a lamentable degree to be influenced by that hardened and remorseless spirit, which but too surely characterizes the human mind sunk to the lowest state of degradation and depravity. Afterwards, however, she confessed the crime for which she was to suffer. The account she gave of the fatal transaction was, that on Saturday night, the 18th of July, she and her husband (who was at the time a good deal in liquor) quarrelled, and he threatened to beat her. Alden soon after threw himself on the bed, and at that instant she formed the resolution of destroying him: accordingly she ran into the adjoining room, returned with a bill-hook, which she held in both her hands, and striking him on the forehead, instantly killed him. She further acknowledged, that the girl (Orvice) had no concern whatever in the murder, and only assisted, at her request, in putting the body of her husband into the sack.

On Friday, July 31, at twelve o'clock, this unhappy female was drawn on a hurdle, and executed on the Castle-hill, pursuant to her sentence, in presence of an immense concourse of spectators. She behaved at the fatal tree with the decency becoming her awful situation.

## THOMAS SIMMONS,

(THE MAN OF BLOOD,)

*Executed March 7, 1808, for Murder.*

**THIS** man, whose depravity and malignant ferocity has seldom been equalled, was taken at an early age into Mr.



**Boreham's** family, where he lived some years, till in consequence of his brutish behaviour, they were under the necessity of discharging him; after which he worked with Messrs. Christie and Co. brewers.

Mr. Boreham, a very old gentleman, afflicted by the palsy, has been many years a resident at Hoddesdon; his house is on the declivity of the hill, beyond that town, about two hundred yards from the market-house. He had four daughters, one of them was the wife of Mr. Warner, brass-founder, of the Crescent, Kingsland-road, and also of the Crescent, Jewin-street. Mrs. Warner had been on a visit to her parents for several days; and on Tuesday evening, October 20, 1807, a Mrs. Hummerstone, who superintended as housekeeper, the business of the Black-lion Inn, at Hoddesdon, for Mr. Batty, the proprietor, who was at Mr. Boreham's house, in consequence of an invitation to spend the evening with the family. The company assembled in the parlour, where Mr. Boreham, his wife, his four daughters, Anne, Elizabeth, Sarah, and Mrs. Warner. About a quarter past nine, this party were alarmed by a very loud voice at the back of the house. It proceeded from some person in dispute with the servant woman, Elizabeth Harris, and who was insisting to get into the house. He proved to be Thomas Simmons; who, it seems, had, while in the family paid his addresses to the servant, Elizabeth Harris, who was many years older than himself; but the symptoms of a ferocious and ungovernable temper, which he had frequently displayed, had induced his mistress to dissuade the woman from any connection with him; and his violent disposition had led also to his dismissal from this family, as before stated. He had been heard to vow vengeance against Elizabeth Harris and the eldest Miss Boreham; and on Tuesday night, at the hour already mentioned, he made his way to the farm-yard, and from thence into an interior court, called the Stone-yard. Elizabeth Harris, on seeing his approach, retired within a scullery, and shut the door against him. He demanded admittance, which she refused; high words accordingly arose; and he plunged his hand, armed with a knife,

through a window lattice at her, but missed his aim. This noise alarmed the company in the parlour, or keeping-room, as it is called. Mrs. Hummerstone was the first to come forth, in hope of being able to intimidate and send away the disturber; but just as she reached the back-door, leading from the parlour to the stone-yard, Simmons, who was proceeding to enter the house that way, met her, and with his knife stabbed her in the jugular artery, and pulling the knife forward, laid open her throat on the left side. She ran forward, as is supposed, for the purpose of alarming the neighbourhood, but fell, and rose no more.

The murderer pursued his sanguinary purpose, and rushing into the parlour, raised and brandished his bloody knife, swearing a dreadful oath, that "he would give it them all." Mrs. Warner was the person next him: and without giving her time to rise from her chair, he gave her so many stabs in the jugular vein, and about her neck and breast, that she fell from her chair, covered with streams of blood, and expired. Fortunately Miss Anne Boreham had been up stairs, immediately previous to the commencement of this horrid business; and her sisters, Elizabeth and Sarah, terrified at the horrors they saw, ran up stairs too, for safety.

The villain next attacked the aged Mrs. Boreham, by a similar aim at her jugular artery, but missed the point, and wounded her deep in her neck, though not mortally. The poor old gentleman was making his way towards the kitchen, where the servant maid was, and the miscreant, in endeavouring to reach the same place, overset him, and then endeavoured to stab the servant in the throat; she struggled with him, caught at the knife, and was wounded severely in the hand and arm. The knife fell in the struggle. She, however, got out at the back-door, and made her way into the street, where, by her screams of murder, she alarmed the neighbourhood. The poor people, residing near the house, were all in their beds; but the whole town was soon in alarm.

The murderer sought to conceal himself, and after

some search he was discovered in a cow-crib; he was immediately made prisoner, and brought to the Bell ale-house, where he was bound and handcuffed until morning, and was actually at the point of death, from the tightness of his ligatures, which had nearly stopped the circulation, when Mr. Fairfax, of the Black-bull inn, in the town, interfered, cut the ligatures, and thereby prevented a death too summary for the cause of public justice.

Two professional gentlemen in the town, Mr. James and Mr. Worthington, almost instantly attended Mr. Boreham's family, but could render no manner of aid to Mrs. Warner or Mrs. Hummerstone, who were already dead. They dressed, however, Mrs. Boreham's wound, and the old gentleman was found prostrate where he fell, with a poker by his side, which his full strength would not allow him to use.

An inquest was held at the Black-bull inn, on the Wednesday following, which continued from eleven in the morning until eight in the evening; and wilful murder having been brought in against Thomas Simmons, he was committed to Hertford gaol, to abide his trial, which was expected to have commenced March 3, but owing to the late hour Mr. Justice Heath arrived at Hoddesdon, it did not take place until Friday, March 4.

At a very early hour the court-house was uncommonly crowded with vast numbers from London and the adjacent villages.

As Mr. Boreham's family, who were all Quakers, refused to prosecute in behalf of Mrs. Warner; the prisoner was only tried on one indictment, viz. for the murder of Mrs. Hummerstone, at the instance of Mr. W. White, and Mr. B. Fairfax, of the Bull inn, Hoddesdon, and Mr. J. Brown, church-warden of that place.

Mr. Pooley, as counsel for the prosecution, addressed the jury with great propriety, on the notoriety of the cause before them, which had been so much the subject of astonishment and conversation, that he must consider them as already acquainted with most of the circumstances, which would be laid before them for their consideration.

But to give the prisoner every fair chance for his deliverance, consistent with the public justice of their country, which country they were then representing, he intreated them to dismiss from their minds all information or knowledge of whatever description, which might, in any respect, affect the prisoner, and restrain themselves entirely within the line of that evidence, which, painful as the duty was, it was then his instruction to lay before them. In stating the case, to direct the jury to the nature of the charge, and the evidence he should have to produce in support of it, he presented them with a summary of facts, which had occurred prior to the commission of the fatal act, for which the prisoner was now to answer to them. He mentioned the circumstance of his having lived a fellow-servant at Mr. Boreham's, at Hoddesdon, with Elizabeth Harris, to whom he had paid his addresses, and wished to marry her; with other particulars which would appear in evidence, and would appear to be necessary to connect the facts, and to ascertain the motives upon which the murder had been perpetrated. He then adverted to the various particulars of the murder, to determine in what mind and disposition it had been effected, which was a matter of the greatest importance for their consideration; the nature of his concealment after the horrid deed had been committed, and the manner of his being found; with such other circumstances as it was his duty to describe to them, to enable them to decide conscientiously as honest men, and as they would answer to God upon their oaths: all which he was satisfied they would faithfully attend to, in discharging the trust which their country had now reposed in them. To ascertain, in the first place, the cause of the premature death of Mrs. Hunmerstone it was necessary to call Mr. Samuel James, who was sent for in his professional capacity, as a surgeon, and residing in Hoddesdon, to her assistance, not being then entirely dead. This was on the 20th of October, 1807. He found her leaning against the pailing near the door, and that she had received a severe wound in the neck. She died in about three minutes after: and there cannot be a doubt that

the wound, by whatsoever means it had been given, was the cause of her death.

Elizabeth Harris being next sworn, and asked in whose service she was at the time of this unfortunate accident, answered, that she then lived with Mr. Boreham's family, and for four years preceding; that the prisoner had lived there three years, but quitted his service at Michaelmas. On being asked, if the prisoner had not expressed some strong inclination to marry her, she answered that he had, but that her mistress disapproved of it; and that he had quarrelled with the witness on that account, before he left the service, and was so enraged as to beat her; and, not contented with this, declared, that he did not care if he had killed her; further adding, that he had often said he would make away with her, because she would not marry him. She then added, that the murder was effected about half past eight in the evening; that she first heard him coming along the yard towards the house, at which time she was in the kitchen; that she heard him swearing violently, and she requested him not to make a noise or disturbance, as there was company in the house; but he said, he did not care for the company, as he would do for them all. The witness then ran into the wash-house, and shut the door, when he struck at her through the lattice. At this time, the noise being very considerable, Mrs. Hummerstone opened the door, and came into the yard, telling him to go away; when he struck her on the head, and knocked off her bonnet; on which she ran back into the house, and he followed her immediately. The witness heard the shrieks of murder, though she could not tell from whence it came, as all the family were in the room, consisting of Mr. Boreham's three daughters, with Mrs. Warner, a married daughter, their father and mother, and Mrs. Hummerstone. The witness then added, that the prisoner very soon came towards the wash-house, when she again shut the door, and cried out "Murder!" and immediately ran into the sitting-room. She saw some person lying under the window, but, from her fright, could not say who it was; she ran away down the passage, followed by the prisoner,

where she met her master, a very feeble old man, with a poker in his hand, who was knocked down in running hastily. Being seized by the prisoner, the witness was thrown down, when he drew a knife across her throat, by which her hand, in guarding it, was much cut; and in his second attempt, she wrested it from him, on which he ran away immediately, and she saw no more of him. In his attempts to murder the witness, he threw her across Mrs. Warner, who was then, as she believed, lying dead. Whilst this witness was giving her evidence, her agitation was so great, that she was obliged to be supported during the whole time she was in court.

Sarah Cakebury was next sworn, who deposed, that she lived near Mr. Boreham's, and was alarmed on the evening of the 20th of October with the cry of murder; on which she went into the house, when she passed Mrs. Hummerstone, and saw Mrs. Warner lying dead under the window.

George Britton being next sworn, stated, that on the fatal evening of the 20th of October, in consequence of hearing of this melancholy event, he went to Mr. Boreham's house at Hoddesden; and, after he had been informed more particularly respecting it, proceeded without delay, in search of the murderer. On finding the hat of Tom Simmons, the prisoner at the bar, in the cow-house, he went in further search of him, but did not find him.

Thomas Copperthwaite, on being sworn, deposed, that he also went in search of the murderer, and discovered Simmons, the prisoner, concealed under some straw in a crib in the farm-yard; and on being interrogated as to his dress, he stated, that he had on him a smock-frock, which was very bloody, and that the place where he was found, was about a hundred yards from the house.

The coroner, Benjamin Rook, Esq. being next called, and sworn, he deposed, that when the testimony of Elizabeth Harris, at the time of his inquest, was read to the prisoner at the bar, he said it was very true, that he had murdered them, and no one else; but it was not his intention to have murdered Mrs. Hummerstone, but that

he went to the house with a full design to murder Mrs. Boreham, Mrs. Warner, and Elizabeth Harris, the servant.

The constable, under whose custody the prisoner was conveyed to Hertford gaol, on being sworn, deposed to the same effect; with this additional circumstance, acknowledged to him by Simmons, that after he had thrown the servant down, he heard something fluttering over his shoulders, which made him get up and run away.

Thus closed the evidence on the part of the prosecution; after which, the prisoner, as usual, was called upon to know if he had any thing to say in his defence, when he very carelessly, and with much apparent indifference, answered 'No.'

The evidence having been summed up by Mr. Justice Heath, before whom he was tried, on a case so very clear, he said, that observations were rendered unnecessary; because, if any doubt could possibly have existed of the prisoner's guilt, he had, more than once, voluntarily acknowledged it.

The jury almost instantly gave the verdict of "Guilty;" and the learned judge proceeded, without delay, to pronounce the dreadful sentence of the law, in the accustomed manner; to be hanged on the following Monday, and his body to be afterwards committed to the surgeons to be anatomised.

The sentence seemed to affect him very little; he walked from the bar with great coolness and indifference; and suffered the punishment denounced for his crime accordingly, on the 7th day of March, 1808.

## ALEXANDER CAMPBELL, Esq.

(BREVET MAJOR IN THE ARMY, AND A CAPTAIN IN THE 21ST REGIMENT OF FOOT,)

*Executed August 24, 1808, at Armagh, in Ireland, for Murder.*

THIS is another instance of the fatal effects of that sanguinary mode of adjusting quarrels by duél. In vain have the laws endeavoured to abolish this custom by punishing the offenders with death.

A man of honour, deprived of the esteem of others, foresees that he must be reduced either to a solitary existence, insupportable to a social creature, or become the object of perpetual insult; considerations sufficient to overcome the fear of death. It may not be without its use to repeat here, what has been mentioned by other writers, viz. that the best method of preventing this crime, is to punish the aggressor, that is, the person who gave occasion for the duel; and to acquit him, who, without any fault on his side, is obliged to defend that, which is not sufficiently secured to him by the laws. Strict justice was done in the present case; the aggressor, the challenger, the murderer, was hanged like the meanest felon.

Alexander Campbell was tried at the Armagh assizes, August 13, 1808, for the wilful and felonious murder of Alexander Boyd, captain in the same regiment, by shooting him, the said Alexander Boyd, with a pistol-bullet, on the 23d of June, 1807, in the county of Armagh, in the kingdom of Ireland. This murder was committed in a duel, and it is to be hoped that Campbell's conviction will operate in a great measure to deter others from this evil practice.

The first witness called was George Adams, who deposed that about nine in the evening of the 23d of June, he was sent for in great haste to the deceased, captain Boyd, who since died of a wound he received by a pistol-bullet, which had penetrated the extremity of the four



false ribs, and lodged in the cavity of the belly. This wound, he could take upon him to say, was the cause of his death. He was sitting on a chair vomiting blood when witness was sent for; he lived about eighteen hours afterwards. Witness staid with him till he died. He was in great pain, tumbled and tossed about in the most extreme agitation. Witness conceived his wound to be mortal from the first moment he examined it. The witness then stated the circumstances which led to the duel; and in so doing repeated the words of the learned counsel.

John Hoey, mess-waiter to the 21st regiment, swore, that he went with a message from major Campbell to captain Boyd, by means of which they met.

Lieutenant Macpherson, surgeon Nice, and others, proved the dying words of captain Boyd.

John Greenhill was produced to prove that major Campbell had time to cool after the altercation took place, inasmuch as he went home, drank tea with his family, and gave him a box to leave with lieutenant Hall, before the affair took place.

The defence set up was merely as to the character of the prisoner for humanity, peaceful conduct, and proper behaviour: to this several officers of the highest rank, were produced, who vouched for it to the fullest extent; namely, colonel Paterson, of the 21st regiment, general Campbell, general Graham Stirling, captain Macpherson, captain Menzies, colonel Gray, and many others whom it was unnecessary to produce, the depositions of all being the same, and as nearly as possible in the same words.

The learned judge, in his charge briefly summed up the main points, and thus concluded: "It has been very accurately stated to you by the counsel for the prosecution, that the illegal killing a man, by the law of England, must fall within one of the three species—homicide, manslaughter, or murder; and that with homicide you had nothing to do, as the case before you was clearly neither chance-medley, self-defence, or any kind of justifiable homicide. The case, then, must either be manslaughter or murder. Manslaughter is the illegal killing a man under

the strong impulse of natural passion. Three qualities are necessary to constitute it. In the first place, the passion must be natural; that is to say, such as is natural to human infirmity under the provocation given;—secondly, the act must be such as the passion naturally, and according to the ordinary course of human actions, would impel—and thirdly, and indeed mainly, the criminal act must be committed in the actual moment of the passion, *flagrant animo*, as it is termed, and before the mind has time to cool. The act of killing, under such circumstances, is manslaughter. But if any of these circumstances are wanting; if the passion be beyond the provocation—beyond what the provocation should naturally and ordinarily produce; if the act be beyond the passion—beyond what the passion would naturally and ordinarily impel, or if it be not committed in the very moment of the passion, and before the passion either *has* or should have passed away;—in all of these cases, the act of criminal killing is not manslaughter, but murder. Now to apply this to the present case. The provocation, as stated by the evidence, consisted in the words, “Do you say I am wrong?”—“Yes, I do;” and the manner in which those words were said. It remains for you, therefore, gentlemen of the jury, whether such provocation was sufficient to constitute that passion, which, under the interpretation of the law, would render the prisoner at the bar guilty of manslaughter only, or whether the consequent passion was not above the provocation, and therefore that the prisoner is guilty of murder. You will consider this coolly in your own judgments, and will remember upon this point the evidence that has been given; that the words were certainly offensively spoken, but that it was in the heat of argument, and that by a candid explanation, as the evidence expressed it, the affair might not have occurred. You will next have to consider, whether the criminal act was committed in the moment, the actual moment of the passion—or whether the prisoner had time to cool, and to return to the use of his reason. Upon this point, you must keep your attention more par-

ticularly fixed on that part of the evidence which goes to state, that major Campbell returned home, took his tea, and executed some domestic arrangements, after the words, and before the meeting. If you are of opinion, either that the provocation, which I have mentioned to you, and which you collect from the evidence, was too slight to excite that violence of passion which the law requires for manslaughter; or that, be the passion and the provocation what it might, still that the prisoner had time to cool, and return to his reason—in either of these cases you are bound upon your oaths to find the prisoner guilty of murder. There is still another point for your serious consideration. It has been correctly stated to you by the counsel, that there is such a thing which is called the point of honour—a principle totally false in itself, and unrecognised both by law and morality; but which, from its practical importance, and the mischief attending the disregard of it to the individual concerned, and particularly to a military individual, has usually been taken into consideration by juries, and admitted as a kind of extenuation. But in all such cases, gentlemen of the jury, there have been, and there must be, certain grounds for such indulgent consideration—such departure from the letter and spirit of the law. In the first place, the provocation must be great; in the second place, there must be a perfect fair dealing—the contract to oppose life to life, must be perfect on both sides, the consent of both must be full, neither of them must be forced into the field:—and thirdly, there must be something of a necessity, a compulsion, to give and take the meeting; the consequence of refusing it being the loss of reputation, the there being no means of honourable reconciliation left. Let me not be mistaken on this serious point. I am not justifying duelling; I am only stating those circumstances of extenuation, which are the only grounds that can justify a jury in dispensing with the letter of the law. You have to consider, therefore, gentlemen of the jury, whether this case has these circumstances of extenuation. You must here recall to your minds the words of the deceased captain Boyd—“You have hurried me—I wanted

you to wait and have friends—Campbell, you are a bad man.” These words are very important; and if you deem them sufficiently proved, they certainly do away all extenuation. If you think them proved, the prisoner is most clearly guilty of murder; the deceased will then have been hurried into the field; the contract of opposing life to life could not have been perfect. It is important likewise in this part of your consideration, that you should revert to the provocation, and to the evidence which stated, that the words were offensively spoken, so as not to be passed over; but that the affair would not have happened, if there had been a candid explanation. Gentlemen of the jury, you will consider these points, and make up your verdict accordingly.”

The jury then retired, and after remaining about half an hour out of court, returned with their verdict—Guilty of Murder; but recommended him to mercy on the score of character only. Sentence of death was immediately passed on the unfortunate gentleman, and he was ordered for execution on the Monday; but in consequence of the recommendation of the jury, was respited till the Wednesday se’nnight. In the mean time every effort was made by the friends of the unfortunate man to procure the royal mercy. Mrs. Campbell, his lady, departed immediately for England to solicit in person the royal clemency, and the grand jury of the county, and the jury who had found him guilty, presented petitions to the lord lieutenant at Dublin. In the mean time Mrs. Campbell, his amiable lady, after the most incredible fatigues and exertions, had reached England, and procured her petition to be delivered into the hands of his majesty. The respite expired on the 23d of August, and an order was sent from Dublin castle to Armagh, for the execution of the unfortunate gentleman on the 24th. His deportment during the whole of the melancholy interval between his condemnation and the day of his execution, was manly but penitent; such as became a Christian towards his approaching dissolution. When he was informed that all efforts to procure a pardon had failed, he was only anxious for the immediate execution of

the sentence. He had repeatedly implored that he might be shot; but as this was not suitable to the forms of the common law, his entreaties were of course without success.

He was led out for execution on Wednesday the 24th of August, just as the clock struck twelve. He was attended by Dr. Bowie, and in the whole of his deportment was manifest a pious resignation, and a penitent habit of mind. A vast crowd had collected around the scene of the catastrophe; he surveyed them a moment, then turned his head towards Heaven with a look of prayer. As soon as he appeared, the whole of the attending guards, and such of the soldiery as were spectators, took off their caps; upon which the major saluted them in turn. This spectacle was truly distressing, and tears and shrieks burst from several parts of the crowd. When the executioner approached to fix the cord, major Campbell again looked up to Heaven. There was now the most profound silence. The executioner seemed paralyzed whilst performing this last act of his duty. There was scarcely a dry eye out of so many thousands assembled. The crowd seemed thunder-struck when the unfortunate gentleman was at length turned off. Every aspect wore the trace of grief. Perhaps no case has ever occurred, in which the sympathy of the people was more strong. The soldiery, in particular, were most strongly affected.

After hanging the usual time, the body was put into a hearse in waiting. This melancholy vehicle left the town immediately, to convey the last remains of the unfortunate gentleman to the family depository at Ayr, in Scotland. This catastrophe is rendered still more piteous by the unhappy circumstance, that Mrs. Campbell had indulged her hopes to the last, and left London, exactly at such a period of time, as to arrive at Ayr on that day on which her husband's corps would necessarily have reached that place.

## JOHN PALMER,

*Executed before Newgate, November 23, 1808, for Burglary.*

WHEN families desert the metropolis for the summer season, they frequently leave their houses and furniture under the care of some trusty person hired for that purpose. At this season, house-breakers are particularly on the alert to plunder the town mansion while the owners are severally engaged in the sports of the country. Of this worst description of thieves was John Palmer, the subject of the present case.

He had been an old offender, though only about twenty-three years of age, and was known to the police-officers to be as desperate a character as ever was brought to justice. He was indicted at the Old Bailey, before Mr. Recorder, in the September sessions, 1808, for having on the 8th feloniously assaulted William Waller; and for having, with a certain sharp instrument, which he held in his right hand, stabbed and cut him, in and upon his head, with intent in so doing to kill and murder him. William Waller stated, that he was a porter employed by Mr. Kimpton, an auctioneer, to take care of the house and furniture, No. 20, Manchester-square. He was consequently in charge of that house on the 8th of September, 1808. About four o'clock in the afternoon he shut up the door and the windows, and made them safe. He staid in the house till about seven o'clock; he went out then, having left the house secured; he returned between the hours of eleven and twelve o'clock the same night. He found it the same as he left it; he went in and locked the door; he put the chain on it; he went up stairs as usual. His room was the right hand garret. He went strait forward in the room, and pulled the sash down, he returned back to the bed-side, he pulled his coat and waistcoat off, and his handkerchief and shoes; he saw the blankets and the mattress disturbed to what he left them in the morning; he said to himself he did not leave these

things in this manner; he turned round and touched the latch of the other garret; he had the latch in his hand, the prisoner at the bar caught hold of his collar. He was between the doors of the two garrets. He immediately laid hold of his collar; witness said, "Lord have mercy upon me." The prisoner said, "Do not speak a word, Sir; lie down on the bed, that is all you have got to do;" then he shoved witness on his breast to the bed, sideways, and threw him on the bed. He stood over witness, and the other man behind him, whom he called Joseph. He said, "Joseph, d—n him, fetch the pistol and we will blow his brains out, he will not lie still;" with that witness gave him a shove, and darted to the window; then he received a blow on his head immediately, from the same man who had hold of him and pushed him. Witness fell towards the window, and as he fell he lifted up the sash; he put his head out of the window, and halloed out murder, as loud as he could; the people below halloed out, "Come down and open the door:" he halloed out, "he would as quick as he could." He did; he unbolted the top bolt, and unchained it, and the people outside shoving the door so violently to get in, they shoved witness down, they knocked him backwards, he got up and went to the door, and while he stood there, the prisoner was standing there; the watchman had got him, he was outside of the door. Witness saw the prisoner in custody; he knew him directly. He said to him, "You rascal, you are the man that hit me on the head." He never spoke to witness. The blow he received was with a very heavy crow, he could not tell what it was done with; the constable found it was done with an iron crow; witness bled much and was very faint. He was attended by a surgeon ever since. He was not yet recovered. He had no doubt but that the prisoner at the bar was the person that struck him, the other person made his escape; witness could not have recollected his person, he only took notice of the prisoner. It was a moon-light night, and he was standing over him when he laid on the edge of the bed; his face was about a foot, or a foot and a half from him. His voice was particular. He knew him after-

wards by his person and his voice. Henry Dance, a solicitor, living at No. 17, Manchester-square, said, that on the 8th of September, about half past eleven, or near twelve o'clock at night, he heard a cry of murder several times repeated; on going into the street he perceived it appeared at the front garret of No. 20: several persons called out to the man who was crying, "Can you let us into the house;" he said, "he was bleeding to death, and could not come down, for they would murder him." Four or five of the strongest people began to kick against the door in order to break it open; while they were doing this, a man appeared behind the area, within the rails; he got over them and jumped down in the street; immediately witness supposed him to be one of the persons belonging to the house: witness laid his hands upon him, and said, what have they been doing to you; he said they wanted to murder the man that is in the house. Witness then said, who the devil are you? he made no answer to that as he heard, and he was therefore seized by a number of people, among whom witness was one, and James Cobourn another, and the watchman of their street, who was close to the threshold of the door: by this time it appeared the people had burst open the door, and at the door, amongst them, was William Waller in his shirt, bleeding very much indeed. Witness asked Waller if any person belonged to the house but himself? he said—no. Witness said, then this man must be secured. Another watchman, of the name of Schofield, came up, witness gave him to the two watchman, and examined the prisoner very attentively, in order that he might know him again.

James Cobourn, belonging to the Barrack-office, and who lives in Sheppard-street, Manchester-square, corroborated this statement. He was one of the persons who burst open the door, in doing which he knocked down the prosecutor. He saw him bleeding and lying in the passage. He heard Waller say, that the prisoner was the man who struck him. The prisoner was then secured, and delivered to the watchmen.

George Ducas and William Schofield (the two watch-



men) swore the prisoner was the man who had been given in charge to them. Ducas challenged him while the gentlemen were kicking open the door. He saw him in the area. Prisoner pretended that he belonged to the house, and that he slept below stairs.

Henry Howard, a constable of the parish, said, that the next morning, while the surgeon was dressing Waller's wounds, he searched No. 20, Manchester-square, and on the two pair of stairs window he found an iron crow, which was produced. Witness was desired to look at a red mark on it, which he thought was rust, but the jury were of opinion that it was blood.

Benjamin Baker, another constable, said, he searched the prisoner, and found on him a bottle of phosphorus, matches, &c. also a paper with the following writing, "No. 13, Edward-street, and a house in Harley-street; No. 30, Oxford-street, and No. 20, Manchester-square—done." A pair of snuffers, and some picklock-keys, were also found on him. Waller swore the snuffers was part of Mr. Kimpton's goods he had to take care of.

James Lomon, the surgeon, said, that the wound on Waller's head was about an inch and a half in length, and about the eighth part of an inch in depth; there was also a small wound upon his left arm. The blow fell slanting upon the head and came on his arm.

The prisoner in his defence said, he was going by at the time of the noise. He found the snuffers and the keys. On coming up again he was seized by some people and taken to the watch-house. He was quite unprepared for his trial, or he could have produced witnesses who knew him for years, particularly captain Rolles, of the *Lion*, and captain Ogle, of another ship, in which he went to the Mediterranean. He declared he had only been seven months on shore. The jury, however, found him—Guilty.

Of all those who were capitally convicted during these sessions, Palmer was the only one who was ordered for execution. A few weeks before his execution he gave evident proofs of his wicked disposition. He conceived a plan of escape, which would have involved him in the

additional guilt of murder, but which he, notwithstanding, determined to pursue. As it was necessary to have assistance, he communicated his intention to a fellow prisoner in a similar situation with himself, who gave his consent to participate in his danger, in the hope of sharing in his success. It was arranged between them, to attempt their plan on the following Sunday, when the prisoners and the principal turnkeys were attending divine service, (from which Palmer and his associate were to excuse themselves on account of illness.) The scheme was to assassinate the keeper in the Press-yard, in the first instance; and as there was only another turnkey, whose station was on the inside of the outer gate, he was the only person who would interpose between them and their liberty, him they hoped to subdue by threats, and to be able to lock him up in a place of safety; but in case of resistance, it would be necessary to dispose of him in the same manner as his comrade. In the event of the farther keeper being by accident on the outside of the gate, they were provided with rope-ladders to scale the walls, and also with saws to release them from their irons. When they reached the outside, they expected to be received by their friends; with proper means to transport them quickly from their pursuers. The confident and companion of Palmer, not being so hardened in iniquity as himself, communicated in due time to Mr. Newman the scheme in contemplation, when a search was made, and a rope ladder, with several instruments, were found about the bed of Palmer, and proper means taken for his better security. Finding himself foiled in the object which he had entertained sanguine hopes to accomplish, his mind was for some time so agitated and disturbed, that he could not apply himself seriously and attentively to prayer. As the period now approached for his execution, he seemed desirous to have the term extended for one week, to the end, he stated, that he might have the more time to make his peace with God, an object which he had hitherto neglected for schemes of villainy and wickedness, which had ended in grief and disappointment. Mr. Sheriff

Hunter preferred his request to government : it was refused. He therefore made the best use he could of the few remaining hours left him. He demeaned himself properly to all about him, confessed the justice of his sentence, and professed to die in charity with all men. In order to atone for the crimes he had committed, he made a full confession of every robbery and burglary he had been concerned in, which throws light upon various transactions that might otherwise have for ever remained unknown, and at the same time these discoveries are likely to prove highly beneficial. On passing through the press-yard on Wednesday morning, on his way to the scaffold, he invoked a blessing on all his fellow-prisoners, and requested of Dr. Ford that the cap might not be drawn over his face until the moment it was absolutely necessary. A silk handkerchief, which he had in his pocket for the purpose, was, at his earnest request, tied over his eyes. He attempted to address the mob from the platform, but his speech failed him. He contented himself with bowing to the populace.

**EDWARD WILLIAM ROBERTS, — BROWN,**  
and **DOROTHY COLE, alias MRS. BROWN,**

*Convicted in the Court of King's Bench, of a conspiracy, and the two first imprisoned and pillored.*

SWINDLING has lately made more rapid advances than any other mode of plunder. The gang to which these people belonged, were particularly dangerous to tradesmen, from the extraordinary abilities displayed by the individuals of which it was composed.

Edward William Roberts was regularly bred to the law, and about ten years ago was called to the bar, where his abilities promised him success in that learned and arduous profession. He occupied a genteel house in the neighbourhood of Lincoln's Inn, the furniture of which together with a library, was presented him by his intimate

friend the celebrated Major Davison. Here we find Miss Dorothy Cole, the daughter of the kind landlady of the Magpie on Hounslow Heath, whose smiles and good cheer will be long remembered by many a traveller, passing as his wife, and attended by her footman, though he was married, and the father of several children.

The first dishonourable act which we find committed by Roberts, was that of secretly selling the bounty of his friend, and clandestinely leaving his chambers, with a number of debts unpaid.

In a very short time, however, we find this loving couple much more elegantly situated and attended, in Dover-street, Piccadilly; where Roberts hired a furnished house at five guineas per week, and a chariot for Miss, while one of her brothers acted the part of a footman in a rich livery. Their success here was at first great, and a tradesman was duped out of muslin to the amount of 250*l.*

It is a true saying that repetition of stolen joys render us heedless of the consequences of detection. That it was so with Roberts and his mistress will be fully shewn in the sequel of the present very curious case. From Dover-street, it appeared they were *per force* removed to the King's Bench. In prison, the fascinating wiles of Miss stole upon the peace and purse of an old sensualist (and many such characters frequent such a prison) who went by the appellation of captain Fisher, who soon took her from *durance vile* and snugly lodged her in Dyer's-buildings, Holborn; but Roberts was left alone, to lament his fate. The vicinity of St. George's Fields being ill-suited to the action of such a mind as our barrister's, he procured a writ of habeas corpus, for his removal to the Fleet prison, situated in the heart of the city of London. In the Fleet, he made an acquaintance with Brown, who will soon be found a conspicuous figure in the nefarious scenes which we have to display. Brown reported himself to have been an eminent brandy-merchant, and to be possessed of the title to lands in the United States of America, which, if we may credit Mr. Imber, the auctioneer, in Matton-garden, was of some small value.

At any rate upon some sort of paper negotiation, he procured his liberty, leaving Roberts still a prisoner, but not without first entering into a league with him for future operations.

Brown immediately repaired to Dyer's-buildings, took Miss from the protection of the old captain, hired a handsome house in Coram-street, Brunswick-square, wherein she entered as Mrs. Brown, in mourning for the death of his supposed father. A job carriage was procured, with a regular suite of servants, in which they went as man and wife to different tradesmen, who eagerly furnished their new house with every kind of elegant furniture. It was some time before Roberts could get outside the walls of his prison, and not until the tradesmen had become importunate for the payment of their bills; one of whom had issued a writ, and lodged Brown with Wither's, the sheriff's officer. Roberts at this critical time made his appearance in Coram-street, claimed the goods, servants, horses, and all as his property; and Miss for his wife, which she readily confirmed, for of all her admirers, he certainly was the favourite. The remainder of the impatient tradesmen now became alarmed, and mistrust ran through all who had contributed to the establishment in Coram-street, and all now became clamorous upon Roberts. A lawyer, next to the femal decoy, is the most useful member of a gang of swindlers, because he knows how far to go, and when to stop—or in other words he knows how to keep their necks out of the halter, though all his ingenuity is seldom proof against the pillory.—Our counsellor, therefore, in order to extricate the whole, by a coup-de-main, drew a warrant of attorney, the ultimatum of law proceedings, in which Brown confessed judgment recovered by him for a large pretended debt, and thereupon issued execution on the devoted goods, pretending, however, that it was at the suit of his brother.

Mr. Rackstraw, the upholsterer, in Tottenham-court-road, and a Mr. Hancock, an ironmonger in the same neighbourhood, were the principal victims of this deep-laid scheme of villainy.

The latter, from its consequences, added to other similar losses, in a short time became bankrupt. To these men, however, are the public indebted for bringing the swindlers to justice. They went to Coram-street, insisted on seeing the writ under which their property had been seized, and finding the pretended plaintiff to be the identical Edward William Roberts, saw the very extent of their danger. They posted off to the public-office, in Marlborough-street, and upon their disclosing the scene of iniquity, obtained warrants against Roberts and his lady, and lodged a caveat against the removal of the goods; but when the officers of justice arrived, the party complained of had fled. It soon appeared that in their depredations, they had descended to the meanest tricks—the petty chandler, the little huckster, the washer and mangling women, grocers, butchers, bakers, and wherever they could procure credit for the most trifling score, surrounded their house. Their servants found themselves unpaid, left to shift for themselves; and the unhappy coachman, anxious to serve an old fellow-servant who had commenced coal-merchant, had become responsible for his master's cellar of coals, and was saddled with the payment.

Meantime the defeated lawyer with his fair one had secretly fled to private furnished lodgings, at the house of Mr. Thomas Prior, coal-merchant, No. 24, Salisbury-street, Strand, where she was brought to bed of a daughter, his acknowledged child, but according to the report of the nurse, “the very spit of the old captain.”—Nor were the runners after them idle. They, from whom no villain on whom a good price is set, can long be hid, soon found their way to Salisbury-street; and on their approach, Roberts ran to the top of the house, but, alas! too late to find his safety in flight. Having seized him, they entered the chamber of accouchement; but, as 'tis said on one sad occasion, “even butchers wept;” they too, though also, “unused to the melting mood,” retired under the influence of modesty and pity, and left the new-made parent awhile to her sorrows.

At Marlborough-street, appeared as counsel for Ro-

berts, Mr. Marriot, an advocate worthy of a better cause. The prisoner, also a pleader, spoke long and with ingenuity in his defence, while his brother counsellor also in vain exerted his eloquence. The hateful mittimus was signed, and Roberts safely lodged in Clerkenwell prison.

It will be here but justice to observe, that Miss Cole, for she certainly never legally put aside her maiden name, was a woman of considerable acquired accomplishments. She had already published a novel, by subscription; but its nervous language plainly shewed it to have been the production of Roberts; and it was, in fact, a well written rhapsody. In search of subscribers, her manners, and affected artless tale, imposed upon the benevolent hearts of lady Haggerstone and lady Louisa Manners. With such patronage, no wonder the book being prefaced with a long list of fashionable contributors. The former of these noble ladies particularly interested herself in the welfare of Miss; called upon her in her own coach, accompanied by Mrs. Siddons, (not the actress), called in Salisbury-street during the accouchement, left her purse, and promised to exert herself in procuring some employ for her husband, believing her to be the wife of Roberts. This generous act took place a few days only previous to his apprehension.

The supposed Mrs. Roberts was now perfectly recovered—the month was elapsed, and no enquiries had been made after her from Marlborough-street. Before this time, however, Prior the landlord, had certainly cause sufficient for alarm, touching his rent, and on this he spoke. The luxurious old captain, who had never neglected his occasional visits, with ample remuneration for each, on this occasion not only came forward and paid up all arrears, but sent money to the prisoner in Clerkenwell.

Notwithstanding the fate of Roberts, and the very precarious situation in which this infatuated woman stood, still she remained in fancied security, upon the bounty of the old dotard. Not so with those who still held a warrant against her, for so keen were they to their trust,

that they had sifted the nurse out of the day of the birth of the child, nor did they suffer another of the next month to close without another visit to Salisbury-street, when, without any difficulty, they made their caption, and carried the mother, accompanied by the nurse and babe, to that tribunal from whence Roberts had been already committed. Her crime having already been investigated, little could be adduced in her defence, and she was sent to her pretended husband. In prison, however, she did not remain longer than a week, as this kind captain procured her bail, and money to hire more comfortable lodgings, which she found in Amphitheatre-row, Surrey side of Westminster-bridge, where she remained secluded five weeks : a life ill suited to her active mind. We next find her in a more central situation, but yet in humble apartments, a furnished second floor in Theobald's-row, Bedford-row ; and there, strange to tell, Roberts once more joined her, having at length been liberated upon bail. In Theobald's-road, they got a prospectus printed of another novel, to be called, "The Mysterious Mother," and with this, neatly enveloped in gilt paper, and sealed with a seal bearing the initial R. she long employed her time, on foot now, in going from one noble mansion to the other, soliciting subscriptions. So little do the major part of the great fatigue themselves in reading the detail of criminal enquiries, at public offices, that few had read the many long accounts of her commitment, and in order to rid themselves of her perpetual importunities, subscribed to "The Mysterious Mother;" upon which Roberts and herself subsisted until they were brought to trial. The third unlucky conspirator, Brown, was again caged in the Fleet prison.

The trial of this gang stood upon the docket at Hick's Hall, but as the fish out of the frying pan jumped into the fire, they removed their case, by a writ of certiorari, into the court of king's bench, a far more dread tribunal, but doubtless with the desperate hope that Rackstraw and Hancock would not be at the great expence of following them. Here they were again disappointed, for the injured tradesmen followed them up, and the attorney-



general led the prosecution against them ; Mr. Marriot did all that man could do in a bad cause, but they were all found guilty, and sentence postponed until the next term, as usual in such cases. Though convicted, they were, until sentence was pronounced, still upon bail. In the mean time it was reported that death had put an end to the career of Miss Dorothy Cole ; and whether true or otherwise, she certainly has not since appeared upon the grand theatre of wealth and villainy, London.

Roberts and Brown, however, still lived the dread of honest tradesmen ; but as in the capital they were now too well known, they shifted their operations to its environs. The public papers soon announced them to be at Cheshunt, a few miles distant. There they played off their old game of hiring a house, and getting it handsomely furnished. We are not in possession of the particulars of the Cheshunt swindling ; but we know that there they were again detected, prosecuted, tried at the assizes for Hertfordshire, and again sentenced to imprisonment and the pillory.

The first convictions, however, must be first satisfied ; and for this purpose they were brought into Westminster Hall, and sentenced to a years imprisonment and pillory. The latter was put in force at Charing-cross, in July, 1810, when the enraged populace severely pelted them with rotten eggs, and all manner of filth, which could be suddenly collected, until they bore little resemblance of human beings ; and were taken out half suffocated.

## CHARLES PRICE

### *A notorious Swindler and Forger.*

THIS extraordinary impostor, whose artifices enabled him to commit unprecedented depredations on the public, was born about the year 1730, in London. His father lived in Monmouth-street, and carried on the trade of a salesman in old clothes. In early life Charles manifested

those traits of duplicity for which he was afterwards so greatly distinguished. He ripped off some gold lace from a suit of old clothes in his father's shop, and putting on his elder brother's coat, went to sell it to a Jew. The Jew, unfortunately, came and offered it to the father for sale; he instantly knew it, and insisted on the Jew's declaring from whom he received it. The boys coming in, he pointed to the elder, on account of his coat, as the person of whom he bought it, and he was directly seized, and severely flogged. His protestations of innocence were in vain, the father was inflexible, whilst Charles, with an abominable relish for hypocrisy, secretly rejoiced in the castigation.

His father, tired of the tricks and knaveries of his son Charles, placed him with a hosier in St. James's-street. Here he continued for a short time; he robbed his father of an elegant suit of clothes, in which he dressed himself, went to his master in this disguise, purchased about ten pounds worth of silk stockings, left his address, Benjamin Bolingbroke, Esq. Hanover-square, and ordered them to be sent to him in an hour's time, when he would pay the person who brought them. His master did not know him, and, to complete the cheat, our hero came back in half an hour in his usual dress, was ordered to take the goods home, which he actually pretended to do, and thus were both master and father robbed. He was, however, soon after, found out and discharged.

Soon after this period he set off for Holland, under the assumed name of Johnston. Forging a recommendation, to a Dutch merchant, he became his clerk, debauched his daughter, was offered her in marriage, robbed his master, and returned to England. He then contrived to become clerk in his majesty's small-beer brewhouse, near Gosport. At this place he behaved himself with so much propriety, that he was on the point of forming a matrimonial connection with his employer's daughter. This match, however, was prevented by an accidental discovery. The Jew, to whom he had formerly sold the gold lace, happened to live at Portsmouth, and by his means Price's character was soon disclosed, his hopes

were blasted, and he was once more thrown upon the world!

As his wits were never long unemployed, for some deceptive ends, he issued the following curious advertisement in the year 1775—

“ WANTED,

“ A partner of character, probity, and extensive acquaintance; upon a plan permanent and productive—fifty per cent, without risk, may be obtained. It is not necessary he should have any knowledge of the business, which the advertiser possesses in its fullest extent; but he must possess a capital of between 500 and a 1000 pounds, to purchase materials, with which, to the knowledge of the advertiser, a large fortune must be made in a very short time.

“ Address to P. C. Cardigan-head, Charing-cross.

“ P. S. None but principals, and those of liberal ideas will be treated with.”

To this advertisement the famous comedian, Samuel Foote, paid attention. Eager to seize what he thought a golden opportunity, he advanced the sum of 500*l.* for a brewery; we need not add, that the sum soon disappeared, and Foote was wrung with the anguish of disappointment. Price, however, had the impudence to apply to him again, wishing him to unite in the baking trade; the comedian archly replied; “ As you have brewed, so you may bake; but I’ll be cursed if ever you bake as you have brewed!”

After this unfortunate business, Mr. Price turned methodist preacher, and in this character he defrauded several persons of large sums of money. Advertising in order to get gentlemen wives, he swindled a person of the name of Wigmore of fifty guineas, for which he was indicted; but having refunded a part, he effected his escape. These, and other fraudulent practices were long the objects of his ambition; though they are all the certain roads to infamy.

With astonishing impudence he again set up a brewery in Gray’s Inn-lane; and after various frauds he became

a bankrupt in 1776. Ever fruitful in resources, he set out for Germany, but in Holland he was thrown into prison for a concern in a smuggling scheme, by which three hundred pounds were obtained. By his artful defence he escaped, and returned to his native country. Here he once more engaged in a sham brewery at Lambeth, where he was married. Continuing to practise his deceptions, he was obliged to decamp, went actually to Copenhagen, and, after some time, came back to England, where he was doomed to close his days.

His breweries having failed, he now proceeded to study how in other ways he might most effectually plunder society. Under the pretence of charity, he obtained money, for which he was imprisoned; and having been liberated, he as a clergyman, succeeded in various impositions. This eventually brought him to the King's Bench prison, from whose walls he dexterously extricated himself. An account of all his tricks would fill a volume.

We now arrive at that period of his life when he commenced his ravages upon the Bank of England, which ended in his destruction. In the year 1780, (under the assumed name of Brank) Mr. Price engaged a servant, a plain, simple, honest fellow; by whose means he passed his notes without detection. The young man observing an advertisement respecting a situation which seemed likely to suit him, answered it, but he heard nothing of the advertiser for a whole week. One evening, however, just as it was dusk, a coachman enquired for the man who had answered the advertisement, saying, there was a gentleman over the way, in a coach, who wanted to speak with him. On this the young fellow was called, and went to the coach, where he was desired to step in. There he saw apparently an old man, affecting the foreigner, seemingly very gouty, wrapped up with five or six yards of flannel about his legs, a camblet surtout buttoned over his chin, close to his mouth, a large patch over his left eye, and every part of his face so hid that the young fellow could not see any part of it, except his nose, his right eye, and a small part of that cheek. To

carry on the deception still better, Mr. Price thought proper to place the man on his left side, on which the patch was, so that he could take an askance look at the young man with his right eye, and by that means discover only a small portion of his face. He appeared by his disguise to be between sixty and seventy years of age; and afterwards, when the man saw him standing, not much under six feet high, owing to shoes or boots with heels very little less than three inches high. Added to this deception, he was so buttoned up and straitened, as to appear perfectly lank. He was in reality about five feet six inches high, a compact neat man, square shouldered; inclined to corpulency. His legs were firm and well set; but by nature his features made him look much older than he really was, which, at that time, was near fifty. His nose was aquiline, and his eyes small and grey; his mouth stood very much inwards, with very thin lips; his chin pointed and prominent, with a pale complexion; but what contributed as much as any thing to favour his disguise of speech, was his loss of teeth. He walked exceedingly upright, was very active and quick in his walk, and was something above what we describe a man to be, when we call him a dapper made man.

This simple and honest fellow Samuel, whom Mr. Price had engaged, was employed by him to negotiate his forged bills, principally in the purchase of lottery-tickets, at the same time never fully disclosing to him his name, person, or history. Indeed the plan was devised and executed with uncommon ability. However, Samuel was at last detected, having passed bills to the amount of fourteen hundred pounds! But his principal eluded discovery, and retired with his booty into the deepest shades of obscurity. The poor servant was imprisoned for near a twelvemonth, terrified out of his wits at being the innocent instrument of such complicated villainy.

Mr. Price having most probably exhausted his former acquisitions, sallied forth in the year 1782, after new game, with the most unparalleled audacity. For this purpose he obtained his second servant from a register-

office: a smart active boy of the name of Power; his father was a Scots Presbyterian, and to ingratiate himself with him, Mr. Price made great pretensions to religion, expressing a hope that his son was well acquainted with the Lord's prayer, and the ten commandments. Our hero began his ravages upon Mr. Spilsbury of Soho-square, ordering great quantities of his drops. Wilmot was his assumed name, and he introduced himself to him as possessing all the symptoms of age and infirmity. He was wrapped up in a large camblet great coat; he had a slouched hat on, the brim of which was large, and bent downwards on each side of his head; a piece of red flannel covered his chin, and came up on each side of his face, almost as high as the cheek bones; he had a large bush wig on, and his legs were wrapped over with flannel. He had also a pair of green spectacles on his nose, with a green silk shade hanging down from his hat, but no patch on his eye. It is remarkable that Mr. Spilsbury knew Mr. Price, but not Mr. Wilmot; nay, so complete was the deception, that sitting together in a coffee-house, Mr. S. complained to his coffee-house acquaintance of the notes which Wilmot had imposed upon him; Price kept crying out now and then, "Lack-a-day! Good God! who could suppose such knavery to exist?—What, and did the Bank refuse payment, Sir?" staring through his spectacles with as much seeming surprise as an honest man would have done.

Price had often been at the shop of a Mr. Roberts, grocer, in Oxford-street. Here he now and then bought a few articles, and took many opportunities of shewing his importance. One day he called there in a hackney-coach, disguised as an old man, and bought some few things.—A day or two afterwards he repeated his visit; and on a third day, when he knew Mr. Roberts was from home, he went again, with his face so painted that he seemed diseased with the yellow jaundice. The shopman, to whom he enumerated his complaints, gave him a prescription for that disorder, such as had cured his father of it. Price gladly accepted of the recipe, promising that if it succeeded, he would very liberally reward

him for his civility. In a few days he called again, when he appeared perfectly free from the complaint, and acknowledged his great obligations to the shopman, to whom, after he had expatiated on his affluent circumstances, the short time he had to live in the world, and the few relations he had to leave any thing to, he made a present of a ten pound bank note. The reader need not be told it was a counterfeit one; but at the same time he said, that he wanted cash for another, which was a fifty pound note, and the obliging shopman got change for it of an opposite neighbour. The next day, in Mr. Roberts's absence, he called again, and entreated the lad to get five other fifty pound notes changed for small ones; who telling him his master was not in the way, Price begged he would take them to his master's banker, and there get them changed. This request the servant complied with. The bankers, Harley, Burchall, and Co. complied with Mr. Roberts's supposed request, changed them without suspicion, and small notes were that day given for them to Mr. Price.

Having found out a fit object to practise his deception in the person of Mr. E. who was an eminent merchant in the city; and having traced his connections at Amsterdam, even to the obtaining of a letter which came from a merchant there to Mr. E.; he began his attack on that gentleman, in the following manner. He accosted him on 'Change in another disguised character, and told him, that he had received a letter from a correspondent of their's at Amsterdam, whose name he mentioned, which informed him that a person of the name of Trevors, who frequented the 'Change, had defrauded the Dutch merchant of one thousand pounds, and that the latter requested Mr. E.'s assistance in recovery of the whole, or any part of it he could obtain. Having thus opened the business he then produced the letter to Mr. E. who having read it, did not entertain the least doubt of its being the hand-writing of his Amsterdam correspondent; he therefore offered his assistance most readily, in any plan that might be pursued to favour his Dutch friend. After thus paving the way, he began to advise

Mr. E. how to manage the matter. "To-morrow," said Price, "Trevors most likely will be upon 'Change; he always frequents the Dutch walk, and is dressed in a red surtout, with a white wig; he has also square-toed shoes, and very small buckles. Your best way will be to accost him, get into conversation with him, introduce the mercantile affairs of Amsterdam, and, by pretending that he can be of service to you, invite him home to dinner. You may then mention the business, shew him the letter, and inform him, that unless he refunds the whole, or part of the money immediately, you will expose the matter to the merchants. By such a step you may, probably, procure a return of the greater part of the property, as he is rich, and has always cash or notes about him, and will rather pay than be exposed." Mr. E. highly approved of the plan, and was very much pleased with an opportunity of doing, as he thought, such an essential service to his Dutch friend. The next day appeared our hero on the Dutch walk, and in the dress he had so minutely described the day before. Mr. E. followed the advice he had received: the result of which was an invitation to dinner, and an acceptance on the part of our hero. When the cloth was removed, and the family retired from table, Mr. E. begged to open to Mr. Trevors, in as delicate a manner as he could, the purpose of the invitation. Our hero acknowledged the charge in part, affected great remorse, declared his intention was to pay, begged he might not be exposed on 'Change, and offered to pay five hundred pounds down, if Mr. E. would bury the matter in oblivion.—This being readily promised on Mr. E.'s part, Mr. Trevors then produced a thousand pound note, which he said he would give to Mr. E. if the latter would return to him the other moiety. Not having sufficient cash and notes in the house, Mr. E. gave him a draft for five hundred pounds on his banker, soon after which our hero took his leave. The next morning Mr. E. discovered that the thousand pound note he had received was a forged one, and ran to the bankers to stop the payment of his draft; but unfortunately too late; for a porter, who seemed to have been followed by a tall



thin woman into the banking house, had obtained notes for the draft four hours before Mr. E.'s application to stop payment.

Upon Mr. Watt, a hosier, Mr. Reeves, a colourman, and a great many other individuals, he practised frauds equally ingenious and successful. In his last attempt on the bank, which ended in his detection, he assumed the name of Palton, pretended he was an Irish linen factor, and employed two young men to circulate his notes, whilst he, greatly disguised, kept back in obscurity. By means of a pawnbroker he was found out with great difficulty. On his seizure he solemnly declared his innocence, and before the magistrate behaved with insolence. This detection took place on the 14th of Jan. 1786; he was soon sworn to by more persons than one; and seeing no way of escape, he pretended, to his wife in particular, great penitence; but there was no ground for its reality. The bank was fully intent upon prosecuting him, and there was no doubt of his dying by the hands of the executioner. He, however, was found one evening hanging against the post of the door of his apartments, in Tothill-fields bridewell.

The depredations of this villain on society, amounted in the whole to upwards of one hundred thousand pounds; and yet, after his apprehension, he wrote a letter to a gentleman whom he had defrauded of more than two thousand pounds, recommending his wife and eight children to his protection. Price's disbursements must either have been great, or the prudence of his female coadjutor excessive! for at her lodgings were fixed all the apparatus for manufacturing the paper, and printing bank notes; the plates for which were also engraved by this ingenious culprit. Being thus paper-maker, engraver, printer, and circulator, we need not be surprised that he contrived to spin out existence to the age of fifty-five; six years of which were passed in hostilities against the Bank Directors, whose emoluments by fire, shipwreck, and other accidents, Mr. Price conceived were too enormous.

## THE PARSON'S HORSE AND THE WIND-MILL.

AN indictment has been lately tried at Huntingdon, which has excited no small degree of pleasantry as well as interest in the county: but the issue, perhaps, is the most singular that ever took place:—It was an indictment against a miller for a nuisance for working his mill so near the common highway as to endanger the lives of his majesty's subjects, by frightening the horses travelling on the road. The prosecutor is a clergyman residing in the neighbourhood of Huntingdon, and is a man of considerable property and consequence in the county. The mill in question is an old erection, and stood some time back far out of the high road upon a common; but by a recent act of parliament the common has been enclosed, and the only road left, unfortunately for the miller, passes close under the fly of his mill. The prosecutor, it appears, was compelled to go this road, and the mill being at work as he passed, his horse took fright and threw him. This happened with almost every horse that passed the mill.

Mr. Justice Grose addressed the jury, and observed, that as the mill now stood, it was unquestionably a nuisance, and the miller must be found guilty. It was, however, no fault of his, he could not move his mill; but the commissioners under the Inclosure Bill, who directed the road to be set out, were most to blame, and he regretted they had not been made parties to the indictment. Neither was the prosecutor to blame, in preferring the indictment. He could go no other way since the inclosure, and his life, as well as those of his fellow-subjects travelling by the mill, was endangered, while the mill remained in its present situation.

Under such circumstances he felt himself wholly at a loss how to act: the miller ought not to be punished for that he was innocent of, and yet the prosecutor's convenience and the public safety must be consulted. He thought, however, that the best way of deciding would be

to direct the prosecutor to pay the miller 40*l.* and the miller to abate the nuisance, with leave to erect his mill on some convenient spot adjoining. This was accordingly made the judgment of the court.

This decision has caused much surprize in the county, as it is the first instance wherein the prosecutor has been made to pay a fine for obtaining justice.

## JOHN NICHOLLS,

(A TRADESMAN OF BIRMINGHAM,)

*Convicted in the January sessions, at the Old Bailey, 1809, and executed before Newgate, for Forgery on the Bank of England.*

THE trial of this plunderer of the public occupied nearly a whole day, and the facts disclosed thereon were of a very interesting nature. The manner of his apprehension was also singular; and which serves for an additional proof, that such a crime very rarely escapes detection.

He was capitally indicted for putting off and disposing of forged bank notes, knowing them to be such, with intent to defraud the Governor and Company of the bank of England. One note in particular for 5*l.* No. 7484, was charged in the indictment, and alledged to have been put off by the prisoner, with the guilty knowledge imputed to him.

It appeared in evidence, that on the 25th of November last, an Italian, named Vincent Alessi, who lodged at the Lemon-tree, in the Haymarket, and affected the exterior of a foreigner of distinction, was detected in putting off a forged 5*l.* bank note, at the house of a Mr. Taylor, a publican, in Holborn. Upon enquiry it was discovered that he had put off another 5*l.* of the same manufacture, while prosecuting an amour with a Miss Needs, in Soho, and that the note was detected by Mrs. Dearlove, to whom it was afterwards tendered in payment for some wine. In

searching his lodgings more counterfeit notes were found ; and it was suspected that he was connected with some wholesale depredators. Alessi was in consequence interrogated as to the fact ; and he immediately confessed that he had bought the notes of the prisoner, John Nicholls, who lived at Birmingham, and had given him 6s. for a 1*l.* note, 12s. for a 2*l.* note, and 30s. for a 5*l.* The solicitor for the bank, thinking it would best serve the ends of public justice, advised that Alessi should be admitted an evidence for the crown, and through his means the wholesale dealer convicted. This was acceded to on the part of the crown ; and means were instantly set about to detect Nicholls. This was only to be done through the medium of Alessi, who on the 10th of December, his own detection being kept secret, wrote to the prisoner, informing him, “ that he was about to depart for America, and that he should want 20 dozen of *candlesticks*, marked No. 5, 24 dozen marked No. 1, and 4 dozen marked No. 2.” The word *candlesticks* was understood between the parties to mean *bank-notes*, and the figure mark, the value of the notes. The prisoner wrote for answer, that he should be in town the following week, and if that would be in time he begged a line to that effect. Alessi wrote a second letter, saying, that the following week would do exceedingly well, as he did not mean to leave England till after Christmas. This interview being arranged, four police officers stationed themselves in a room at the Lemon-tree, adjoining that in which Alessi was to receive the prisoner, so as to see and hear every thing that passed. The prisoner was punctual to his engagement. He brought with him the notes, and took six shillings in the pound in payment for them. When that transaction was finished, Alessi put on his hat, the agreed signal for the officers to advance, and they rushed in and secured the prisoner. At first he said he had found the parcel containing the notes in the street, and then that he had received them from a friend at Birmingham. On searching the prisoner other forged notes were found, and the letter written by Alessi, giving the order. The notes given by the prisoner to Alessi, on the above occasion,

were precisely of the same manufacture with that stated in the indictment, and which Alessi said he had bought of the prisoner, and with those found at Alessi's lodgings. The filling up of it was in the same hand-writing, and the dates were all the same.

Alessi underwent a severe cross-examination by Mr. Gurney, the prisoner's counsel. He said he had been backwards and forwards between Italy and England for the last fifteen years, but that he had only been five months and a half resident this last trip, during which time he had followed no other business than that of putting off forged Bank-notes. He met with the prisoner at Birmingham, to which place he went to purchase hardware, as an adventure to Spain. The prisoner told him the Bank-notes in question would pass current out of England. He knew persons were hanged for forging Bank-notes, but did not understand they were for passing them off. He could not say whether he had betrayed the prisoner from a sense of public justice, or to save his life. He did not think he should be hanged. He confided in hope—and it was the last thing a man should lose. He had seen another man at Birmingham, who was also a dealer in counterfeit notes.

Baron Thompson summed up the evidence, and the jury instantly found the prisoner guilty.

He appeared to have made up his mind for the worst fate that could await him, from the time of his apprehension. On his trial he conducted himself with great fortitude; and from his condemnation to the moment he was launched into eternity, with resignation.

### CAPTAIN JOHN SUTHERLAND,

*Executed at Execution Dock, on the Banks of the Thames, 29th of June 1809, for the Murder of his Cabin Boy.*

At the Admiralty Sessions; on Friday the 22d of June 1809, before Sir William Scott, president, and Sir

Nash Grose, one of the judges of the court of King's Bench.

John Sutherland stood capitally indicted for the wilful murder of Richard Wilson, a boy thirteen years old, on the 5th of November last, on board a British transport ship, named *The Friends*, of which the prisoner was captain, in the river Tagus, and within the jurisdiction of the High Court of Admiralty.

Sir Christopher Robinson stated the case on the part of the crown.

The first witness called was John Thompson, a negro mariner, who, being sworn and examined by the attorney-general, stated, that he was a seaman on board the *Friends*, in the Tagus, at anchor about a mile from Lisbon, on the 5th of November; that he had been, about a month previously, engaged by the prisoner, in Lisbon; that on the day above stated, the captain and mate were on shore, as were also the two other seamen belonging to the ship's crew, and no person left on board but himself and the deceased, a boy of 13, who usually attended on the prisoner. About eight o'clock in the evening the prisoner came on board, and immediately went down to his cabin, and called the deceased down to him. In a few minutes afterwards the deceased came upon deck, and told the witness to go down also, which he did. The captain asked him how it could be managed to keep watch on deck for the night, the mate and the other two seamen being on shore? The witness answered he could keep watch until 12 o'clock; to which the prisoner agreed, desiring the witness to be sure to call him at 12; and in the mean time not to suffer any boat to come along-side, without letting him know. He then desired the witness to go on deck, and send down the boy, which he did. In about five minutes, witness heard the boy cry out loudly to him, calling him by his name Jack Thompson. The witness did not go down immediately; for he supposed the captain was only beating the boy, *as usual*. The boy continued to call out several times loudly; and at last the witness went down, and saw the captain standing over the boy, with a naked dirk or dagger in his hand,

which he waved to and fro, and the boy lying on the cabin floor, who immediately said to the witness, "Jack Thompson, look here; here captain Sutherland has stabbed me;" and immediately lifted up his shirt, and shewed him a bleeding wound upon the left side of his belly, near his groin, and his entrails hanging out. The prisoner said nothing at the moment. He heard what the boy said; and on the witness turning about to leave the cabin, the prisoner said to him, "Jack, I know I have done wrong." The witness, who was not above three minutes in the cabin, answered "I know very well you have;" and immediately returned upon deck, and hailed the next ship to him, which was the Elizabeth transport, for assistance. Her boat came alongside, with the mate and two men, to whom the witness told what had happened.—They would not venture down to the cabin; but took the witness with them, and went off on board the Plantagenet, for a surgeon, but could not get one there. They then rowed back to the prisoner's vessel, and found that in the mean time the mate had come on board. The Elizabeth's men then rowed to the Audacious for a surgeon; but while they were gone, the prisoner insisted on the witness putting him on shore to hunt for a doctor. Witness accordingly went on shore with him. He went to the British barracks but could not obtain a surgeon. He walked about for some time. Witness asked him whether he would go on board his ship? The prisoner answered, No, but the witness might go and leave him as soon as he liked. A British and a Portuguese soldier came up, to whom the witness told what had happened. The captain then came back with the witness to the ship; and, on coming on board, they found that two surgeons had been there, dressed the wounds of the deceased, and put him into bed. He was removed the next morning on board the Audacious, as were also the prisoner and the witness. At the time captain Sutherland came on board, after going to seek the surgeon, the mate asked him what he had to do with such a weapon? The prisoner answered he would never hurt any body else with it, and then threw the dirk overboard.

After the witness was on board the *Audacious*, he heard the prisoner say to the deceased, he was very sorry for what he had done; but he did not hear the deceased make any answer. He heard him repeat his sorrow at another time. The witness was on board the *Audacious* when the boy died, in nine days afterwards.

The witness underwent a long examination by Mr. Knapp, but said nothing to weaken in the smallest degree his direct evidence.

Mr. Henry Bligh, surgeon's mate of the *Audacious*, was next examined; and stated that on the 5th of November last, in consequence of an application to his ship, he went on board the *Friends* transport, between 9 and 10 o'clock at night. She lay in the *Tagus*, about a mile from the *Audacious*, and the like distance from *Lisbon*. He found the boy below, rolling upon a bed, and in great agony, with a wound in the belly, near his groin, through which some of his intestines were much protruded. One of them was penetrated quite through, and another wounded through it. On seeing the state the boy was in, he directly sent for Mr. Irvin, the chief surgeon of the *Audacious*, and in the mean time had the boy removed from the bed into the captain's cabin, and used every means to return the protruded intestines into the abdomen, but without effect. Mr. Irvin came on board about twelve. The orifice of the wound was about half an inch long, and it appeared to have been made with a dirk or dagger. The intestines appeared to be perforated by a sharp-pointed instrument. It was found necessary by both surgeons, to enlarge the orifice, without which it was impossible to return the intestines. This they did, and then sewed up the external wound, put on a dressing, put the boy in bed, after letting some blood, when they returned to the *Audacious*; and next morning at nine, he sent for the boy, and had him removed on board the *Audacious*. He had asked the captain how he came to stab the boy? and he answered, that he had done it while in a drunken fit, and said, he should throw himself under the mercy of the witness's hands. Very little conversation passed; witness asked him no more questions;



but the prisoner said to witness, he hoped he should save the boy's life, and thereby save his own (the prisoner's). This was the morning after the wound was given. The prisoner was lying upon a locker: he appeared to have been intoxicated, but he was then sober. He was removed on board the *Audacious* about an hour before the boy. The boy was removed for the sake of being immediately under Mr. Irvin's care, and the witness attended him until his death, which took place on the 14th of November. Witness was present when Mr. Irvin, three or four days before the boy's death, took down in writing his declaration. From the first moment of his attendance, the boy expressed his conviction that he should die of the wounds; and he appeared to be under the apprehension of death when he made the declaration. [Here Mr. Irvin was desired to produce the written declaration to the witness, who identified it, and said he saw the deceased, who could not write, sign it with his mark after it had been read to him. It was then read by the clerk of the court, and was to the purport following:]

"I, Richard Wilson, boy, aged about 13, belonging to the transport ship, the *Friends*, was, on the 5th of November, 1808, stabbed slightly in the belly with a dirk, by Captain John Sutherland, in his cabin. I lifted up my shirt, and shewed him what he had done; but he followed me into a corner of the cabin where I could not get away, and he stabbed me again."

Mr. John Irvin, surgeon of the *Audacious*, confirmed all the evidence of the preceding witness.

Both this and the former witness were cross-examined at some length, the former by Mr. Knapp, the latter by Mr. Gurney, as to whether the wound of the intestine had been sewed up before it was returned to the abdomen? whether that was not a necessary operation to the safety of the boy's life? and whether it had not been acknowledged that some accident had occurred in enlarging the orifice of the wound, for the purpose of returning the intestine, which was supposed to be a principal cause of the fatality. Both answered that the intes-

tine was much swelled and inflamed, by exposure so long to the external air ; that the wound of the intestine was so extremely small, they conceived it unnecessary to sew it up : that had the wound been larger, they would have conceived such an operation necessary ; and that they had heard of cases where it had been successful. But to the best of their skill and judgment, under all the circumstances, they considered it unnecessary in the present case, and that no accident whatever had occurred in the operation to increase the danger from the original wound.

Mr. Irvin was asked by Mr. Knapp, whether, in consequence of the agitation of mind in which he found the prisoner, he was not under the necessity of prescribing for him ; and whether the medicine he prescribed was not of the same nature he would have ordered for a person in an insane state of mind.

Mr. Irvin answered, that he certainly found the prisoner in a state of fever from agitation of mind, and that the same medicine he prescribed would have been also advisable in a state of mental derangement ; but he saw no such symptom.

Eight witnesses were examined on behalf of the prisoner ; all of whom spoke of him generally as a humane good natured man ; against whom they had never heard before any imputation to the contrary.

Sir Nash Grose summed up the evidence, and the jury, after a very short consultation, returned their verdict—Guilty.

Sir William Scott then, in a most feeling and impressive manner, addressed the prisoner upon the enormity and cruelty of the offence of which he had been convicted, advising him to make the best use of the short interval the offended laws allowed him before he should be numbered with the dead, in making his peace by sincere repentance, with that Infinite Justice which could alone make those allowances for his crime human justice could not ; and then passed upon him the awful sentence of the law, which was, that he be hanged on Monday next, at

Execution Dock, and his body afterwards delivered to the surgeons for dissection.

The unhappy man, who had a wife and five children, retired from the bar greatly agitated, and so overcome as to require the support of the attendants. He was about 40 years old.

At the rising of the court, Sir William Scott signified to the sheriffs that the execution must necessarily be deferred until Thursday next, on account of the state of the tide; and on that day this unfortunate man was launched into eternity.

### GEORGE WEBB,

*Executed on Shooters Hill, near London, for Burglary.*

YOUNG men coming from the country to London, should be particularly on their guard against falling into profligate company; this alone brought the subject of this memoir to an ignominious end.

George Webb was born near Bromsgrove, in Worcestershire; and, though the son of a clergyman, became a most notorious depredator. Having come to London, he got acquainted with Richard Russel, John Leonard White, and Edward Egerton, men of infamous characters, went to Woolwich, worked as a lumper, and there married a young woman of the name of Cocks, where he commenced smuggler. About Deptford he was known by the name of Smith; and was committed for an assault, tried at the quarter-sessions, at Maidstone, where he received sentence of imprisonment, to pay a fine of 5*l.* and to find bondsmen for his good behaviour. He lay there six months after his sentence had expired for want of sureties, and then volunteered his service to the justices to serve in the West Kent Militia: his services were accepted, and he was sworn in at Tunbridge.

He joined the regiment, remained with them five or six months, and deserted; was taken up and brought back to Maidstone as a deserter; was discharged by order

of the secretary of war, taken to the regiment, and punished.

Soon after this, he again deserted, and took an apartment on Blackheath, in the neighbourhood of which many depredations having been committed, he was apprehended and taken to Bow-street, with Richard Russel and Sarah Russel, on suspicion of feloniously and burglariously breaking and entering the dwelling house of Thomas Ebenezer Taylor, situate at New Cross, and stealing a pair of pistols, an opera-glass, and divers other articles.

They also stood charged with breaking and entering the dwelling house of William Shadbolt, in the parish of Deptford, and stealing divers articles of plate, several silver coins, seven shirts, &c. Also with breaking and entering the dwelling house of Joseph Warner, in the parish of Eltham, and stealing six window-curtains, and divers other articles. When taken into custody, it was found he had been at Birmingham, having sent his mother a letter; a copy of which is as follows:

“ My dear Mother,

“ Ingratitude, mingled with shame, almost dares me to either write or see you again: however, I have this assurance and full determination of seeing you, please God, and with your approbation, on Wednesday next, at the Hen and Chickens, New-street, Birmingham, with my sister or sisters. It is my intention, please the Almighty nothing happens, to be there on the before-mentioned day, and I hope you will give me the meeting there, if possible you can make it convenient. Do not let the expense be an hindrance, as that's of no consequence, I will defray the whole. So you will, I hope, excuse this short epistle, and forward an answer by return of post, to oblige

Your ungrateful son,

GEORGE WEBB

Blackheath.

“ P. S. Direct for Mr. Webb, near the Hare and Billet, Blackheath, Kent.”

The magistrates at Bow-street now thought it advisable to dispatch William Adkins, an officer to Bordesley near Birmingham, the residence of his mother, who, on his arrival there, searched her house, for silver table-spoons and other goods, stolen from the house of General Twiss, of Southend, near Eltham, in Kent. Mr. Payn and Mr. Eagle, constables, assisted him in the search. When he entered Mrs. Webb's house, he found in the house Mrs. Webb and her two daughters. Mrs. Mac-Gaa and Miss Webb, and Mrs. Knot, a lodger, and the servant-girl. He asked Mrs. Webb, if she had a son who lived in Blackheath; she said, she believed she had: he then asked her if he had not been down to see her lately; she said he had: he then asked her if he had not brought a box or trunk of plated goods in it; she replied, he had brought a box, but there was nothing but clothes in it; and what he had brought he had taken away with him: he then told Mrs. Webb, he was an officer from Bow-street, and he and Mr. Payn and Mr. Eagle had a warrant to search the house: that her son was in custody on a very serious charge, and if he had left any thing with her, or if there was any thing in her house which he had brought down with him, he begged her to mention them, as otherwise, if any thing were found, it might be of serious consequence to her; for as to him (her son) no evidence was wanting to convict him. Mrs. Webb said, There was nothing left there at all. He again begged of her, if there was any thing, to inform him of it; she hesitated awhile, and then said, There was a pair of pistols, which were in a box in the back kitchen; and the witness took possession of them, and also a pair of patent silver clasps or latches, and wrote his initials on them. He then asked her if there was any thing more, and she positively said, There was not. Mrs. Ann Webb came up to him in the passage, and he asked her if there was any thing more, and she said, There was; she had got a purse and a smelling-bottle in her pocket; and she immediately gave him a silver net purse, a smelling bottle, and an opera-glass. He then asked her if there was not something else; and she said, Yes, there was, her sister had

get a purse also and a pocket-book. He then went to Mrs. M'Gaa, and she acknowledged to have received from her brother a purse and a pocket-book, and went up stairs, and fetched a silver net purse, a pocket-book, a pencil, and pencil case, and gave them to the officer. He then asked Miss Ann Webb, if there were not some plated goods; she replied, Why, has not my mother told you? He said Yes, but not where they are. Mrs. Mac Gaa then took him to a shed in the garden, and shewed him where they were; and out of a rabbit-pen in that shed he took four plated stands, and two silver salt-spoons which were covered with hay in the pen. He then asked her if there was any thing else; she said, Has my mother mentioned a table cloth? Adkins said, No; and Mrs. M'Gaa then took him up stairs, and shewed him a drawer, out of which he took a large damask table cloth. He then said he must search them; and on that Mrs. Webb pulled out of her pocket a shagreen mathematical instrument case and instruments, which she said she had forgot, and a pocket-book of yellow leather, mounted with silver, which she gave to him. Mrs. M'Gaa afterwards gave him another pair of silver salt-spoons, all which goods Mrs. Webb said her son had given to them. He also took from Miss Ann Webb seven pieces of old silver coin, and one piece of gold coin: also a silver cross set with garnets, and an enamelled trinket mounted with brass. He likewise found in the cupboard in the parlour a silver pepper-box.

The next morning he found in a drawer, in the front chamber, a red morocco writing case, which Mrs. Webb and her daughter said they had no knowledge of. The widow, on examination, afterwards confessed that her son George Webb, about twenty-eight years old, came to see her this day fortnight, in order to sign a conveyance of his interest in an estate to her, which she had contracted to sell to Sir H. Featherstone Haugh; that he told her he resided at Blackheath, had married a wife with a fortune of 950*l.* was in the wholesale tea-trade, and doing very well; that he should have it in his power to assist her if she wanted it, and to allow her 50*l.* a year; that

he brought his clothes in a box, and when he first came into the house he told her he had brought her a small present, and went up stairs with his box; and brought down two pair of plated bottle-stands, and two *pair of silver salt spoons*, and a silver net purse, and a table-cloth, which he gave to her; that soon after he gave to his sister Mrs. M'Gaa, a silver net purse, and a silver pencil-case and pen-knife; and to his sister, Ann Webb, he gave a smelling-bottle, a yellow leather purse mounted with silver, and an opera-glass. That as soon as his brother Robert came home from work, he gave him, in her presence, a pair of brass pistols, which he said he designed for his brother Charles: that he also gave Robert a pair of patent silver latchets, a mathematical instrument case, as he thought Robert had been in a way of trade in which they might have been of service to him; that he said he had given five guineas for the pistols, and two pounds ten shillings for the mathematical instrument case; that she (the mother) was proud of these articles as a present from her son, and shewed them to Mr. Allen and Mr. Dickenson, and many other neighbours; that in return she gave her son George, before he left Birmingham, a silver watch of his father's, a gold seal, and a silver cup. She, however, confessed, a little before the officers came and searched her house, she had received a letter by the London post, without a signature, and ill spelt, dated July 1, 1805, desiring her to put every thing out of the house. Fearing from this that her son had done something wrong, she was distressed to the utmost, and put the two pair of bottle stands and pair of salt-spoons in the rabbit-pen; and that from the same fears, and under the same alarm, she was induced to give the false account she did to Mr. Adkins, respecting the things her son George had brought to her house.

The stolen property being thus ascertained, the suspected housebreakers, viz. Webb, Russell, White, Egerton, and Sarah Russel, Russel's wife (aged thirty-five,) were removed from London to Maidstone, and there tried for the same; when Webb and Russel were found guilty, and White, Egerton, and Russel's wife, were ac-

quitted. When sentence of death was pronounced, Webb did not appear the least affected; but Russel fell on his knees, and implored the judge's pardon in the most supplicating manner; and Webb's wife, who had been delivered in Union-street, Maidstone, of a child only eleven days before, went to his lordship, in favour of her husband, but to no avail; as the judge observed, so many depredations had been committed in that neighbourhood that no pardon could be granted. After this Webb kept up his spirits, and expressed his sentiments in the following words at the time of his being under sentence of death in Maidstone gaol. "White is free; this is a fine night for *cracking*; White has a right to rob another this night; had I been at liberty, I would have robbed two or three houses. My going to Shooter's-hill will save me three guineas; (*i. e.* the expences of a hearse;) that will be a reserve for my wife and cub."

His accomplice, Richard Russel, (aged thirty-five) was born at Greenwich, and formerly lived in Bermondsey: he then went to sea; and, on his return, worked as a butcher, at the Red-house, Deptford, afterwards as a lumper, and lately as a journeyman brick-maker, at Messrs. Fenterman and Loat's limekiln, Greenwich, where he earned from thirty-five to forty shillings per week. He lived at Blackheath, where his wife and four children resided. He had been before in custody for stealing a piece of meat at Deptford.

When the officers came to apprehend him for the burglary, for which he suffered, he made a stout resistance, and did not surrender till he had received several severe blows. The behaviour of these two men, while under sentence of death, was exceedingly hardened and depraved. In their repeated attempts to liberate themselves from that security, wherein it was necessary they should be placed, they literally gutted all the padlocks, cut through with the greatest facility a large iron ring, to which they were bound, forced many bolts and bars of iron, and drew up innumerable nails five or six inches long, not-



withstanding the vigilance of the keeper night and day upon guard over them.

On leaving the gaol, in order to suffer the sentence of the law at Shooter's-hill, they contumeliously gave three cheers, and Webb said, "it was all right." They were placed in a coach and four, with the turnkey and another person, preceded by a post chaise, with the Rev. Mr. Shelton, and followed by another, wherein was Mr. Watson, the gaoler, &c. guarded by a train of constables, and the whole escorted by a detachment of cavalry in front and rear. One of the prisoners looking at the guard, was heard to say, "It is impossible for a fly to make his escape."

On their arrival at Farningham, the guard from the depot was dismissed, and a larger detachment, consisting of a captain's guard, then escorted them to the gallows. On arriving there, they nodded to several of their acquaintances; but that display of boldness, which had been so apparent in these unhappy men, now forsook them, particularly in Webb, who was the greatest bravo. Soon after twelve o'clock, when the usual time had been spent in prayer, in which they joined through the pious admonitions of the chaplain, with great fervency, they were launched into eternity, shewing in their last moments great resignation, and a constancy towards each other as confederates, by a voluntary act of their own of having each other's hands tied together, and in which position they quitted the stage of life. Webb, when the caps were drawn over their faces, was heard to say, "Lord! have mercy upon us."

## WILLIAM PROUDLOVE & GEORGE GLOVER.

*Executed at Chester, the 28th of May 1809, for Salt Stealing, and firing a Pistol at the Officer who apprehended them.*

IN the county of Cheshire there are several salt-works; and these men, it appeared, were connected with a gang

of villains, who made a practice of committing depredations on those valuable manufactories, and conveying the salt to Liverpool and Manchester, where they found a ready sale for it.

The works at Odd Rode had been frequently plundered by these men; and, being detected by an excise officer, they fired a pistol at him, in order to facilitate their escape. They however missed their aim, were taken, tried, and sentenced to death. They confessed the robbery, but solemnly denied the act of shooting at the exciseman; which they laid to the charge of one Robert Beech, one of the gang, and not then apprehended.

On the morning of their execution, they received the sacrament with much apparent devotion, in which they were joined by the wife of Proudlove, the mother of Glover, and four more convicts under sentence of death. They were then consigned to the custody of the sheriff, and walked with firm steps to the cart in waiting to receive them. After passing through the principal streets of the city of Chester, they were carried to the place of execution, which was covered with black cloth.

We wish we could here end our painful report with the dropping of the platform; but alas! horrid to relate, the ropes snapped, and the poor sufferers fell upon the terrace.

The impression upon the feelings of a multitude of spectators, at this moment, cannot be described. Human sensibility was harrowed to the utmost; and the moans, cries, and tears, of the people loudly spoke the agony of their hearts. But the miserable men appeared to feel little either in body or mind from the shock they had received—they lamented it had happened, and spoke of it as a disappointment in going instantly to heaven.

They were conducted back to the gaol, to which they walked with equal coolness, and only requested the chaplain might again come to them. This was complied with; and, stronger ropes being procured, about three o'clock in the afternoon, having passed the intermediate time in prayer, they were reconducted to the fatal drop; and, perfectly resigned to their fate, were launched into eternity.

## PATRICK PRENDERGAST,

*Executed before Newgate, the 25th of March 1807,  
for Burglary.*

THIS unfortunate man was convicted of a burglary in the house of a Mr. G. Bell, at Edgware in Middlesex. Though the robbery of Mr. Bell was daring, yet his behaviour at the place of execution indicated the greatest contrition.

The son and daughter of the malefactor were, most unadvisedly, present at the melancholy end of their depraved parent ; and, on his being launched into eternity, became almost frantic, and were conveyed from the agonizing scene in a state of insensibility.

We can readily suppose the effect produced by such a shock upon the nervous system as beholding a parent in the throes of death, under the hands of the executioner ; for hard must be that heart that can, unmoved, witness such a sight inflicted upon a stranger.

A shocking instance of this happened to Mr. William Boddington, high constable of the Finsbury division, a few years ago. Mr. Boddington attended, in his official capacity, at the execution of Francis Hubbard, who suffered in Hatton-garden for the murder of Jordan Hosty, near that place ; and a minute or two after that malefactor had been turned off, he fainted ; and, being taken home in a coach, was put to bed, from which he rose no more.

A few years ago, information being made of a disorderly meeting at an ale-house in Turnmill-street, under the name of the *Cock-and-Hen-Club*, Mr. Boddington was directed by the justices to disperse them : accordingly, attended by other constables, he went to the house ; and, upon entering the club-room, the officers were assailed with cutlasses and other weapons, and were all severely wounded. Hubbard was the man who attacked Mr. Boddington, and wounded him so terribly on the head, breast, and shoulders, with a cutlass, that his recovery was for several months despaired of. The injury

Mr. Boddington received on the above occasion greatly impaired his constitution, and, it is supposed, contributed towards his premature death, by rendering him susceptible of the most poignant feelings on beholding the dying agonies of a man who had attempted to murder him, and had absolutely embittered some of the latter years of his life.

## ALEXANDER DAVISON, ESQ.

### COURT OF KING'S BENCH.

*Before Lord Ellenborough and a Special Jury.*

THE KING V. ALEXANDER DAVISON, ESQ.

THIS long expected case came on to be tried before Lord Ellenborough and a special jury, when the following gentlemen were sworn :

R. Glasson, Esq.	— Roughead, Esq.
Jas. Salt, Esq.	Jo. Jackson, Esq.
Rich. Grace, Esq.	Jo. Peales, Esq.
Jos. Scollier, Esq.	Jo. Sloper.
Wm. Horton, Esq.	Jo. Kirk.
Jos. Wilson, Esq.	Jas. Swaine.

Mr. Richardson opened the case on the part of the prosecution.

The attorney general followed on the same side. The defendant, in the year 1795, became agent for the barrack stores, and an agreement was entered into with general Delancy, the barrack-master-general. His duty was to purchase all the articles which might be required for that department, for which he himself in his letter of the 10th of January to the barrack-master-general, thought that two and a half per cent. was fully sufficient as a commission for devoting his whole attention to the business. He continued in this situation, performing the duties of his station; and certainly no fault could be alleged against him, till the year 1798, when he began to manufacture the articles in demand, in large quantities,

and charge them to government in the name of George Watson, who, it will appear, was his apprentice, and a young man about 20 years old in his own employ; on these goods which he so sold, he directed Bowring, his principal clerk, to manufacture false vouchers, with a view to defraud the barrack department; he also influenced John Allen, another clerk in his employ, to give receipts for large sums of money, pretended to be paid to Watson, so as to give the whole the appearance of a fair and *bonâ fide* transaction. This practice he continued till the change of the administration, in 1801 or 1802, when it was likely an investigation would take place, and it struck him that it would be adviseable to change the mode of rendering his accounts, and soon after that he sent them in without charging the commission of two and a half per cent. on the goods he himself manufactured and sold. The jury would observe, however, that the charge of commission now alluded to was made in nine different half-yearly accounts, in each of which the defendant takes credit for commission on the whole of the purchase made by him. The same charge was also made in his general accounts, which contained the whole sums specified in all his particular accounts; in all of which, of course, this full commission was charged; and it was not till the year 1800, when the defendant had been questioned on these transactions, and when he found these fraudulent practices pressing hard on him, that he thought of restoring these sums of commission. He (the attorney-general) should not have thought of judging so harshly of the defendant if he had not what he conceived a picture of the defendant's own thoughts in his conduct, and in written evidence under his own hand. The defendant, when he underwent an examination before the commissioners of military enquiry, in December 1805, stated, that he had furnished some goods to government himself, but that for these he had charged no commission. This declaration, however, could not apply to the goods here alluded to. Subsequently to the year 1802, the defendant furnished goods to government professedly from his Bedford-street ware-

house, and charged no commission on them, because the goods were known to have been furnished by him, were so furnished publicly, and the receipts of Mungo Sheddon, his managing clerk, were given for the price. But should it be said to-day, that he meant this to apply to goods furnished in the name of another person, who, though his own servant, had rendered invoices and receipts in another name? And, after charging commission on these purchases, now say that it was his intention again to credit government with the sums of commission so charged. He should be sorry to hear such a defence set up this day, because it must call from him some observations which he could wish might be spared. But it was said, the defendant intended to debit himself with these sums in another account. The attorney-general had stated, that the defendant was examined by the commissioners of military enquiry, and was questioned, whether he had not made some overcharges against government, and had also omitted to give items which he had received. On this occasion, finding that these accounts were to be strictly gone into, the defendant had himself made a strict investigation into the state of his accounts, with the object of correcting any mistakes or omissions which might have crept into them, and accordingly on the 15th of May 1806, gave in a supplemental account, as between himself and general De Lancey, which begins with stating, on the credit side of the account, a former balance due to the defendant of upwards of nine thousand pounds, and then, by giving, on the other side, a variety of sums with which he should formerly have debited himself, but which should have been omitted, besides wiping away the balance formerly standing in the defendant's favour, of upwards of nine thousand pounds, produces a balance against him of upwards of six thousand pounds, thereby creating a difference in favour of government of upwards of fifteen thousand pounds. Here was a sum produced to government by the defendant, in consequence of his looking into his accounts with a scrutinizing eye, thinking that he could do so with a better grace himself than by suffering it to be examined by the commissioners. If any person

thought, however, that he (the attorney-general) stated this with a view to create a prejudice against the defendant, he erred. He only stated it for the purpose of shewing, that if the defendant had entertained any idea of restoring the sums of commission alluded to, a fairer opportunity than that he had now mentioned could hardly have occurred ; and, therefore, that to say it was the intention of the defendant to return these sums of commissions, which had been unjustly detained, was an afterthought. He was satisfied the defendant had no such intention till after the discovery, in consequence of which the present action was brought, had been made. And why? because he thought the fraud could not be detected, and that he was fortified by the bill of parcels and receipts which he had produced.—Did the court and jury require any further evidence, that the defendant did not intend to restore this commission? If they did, he should give it them. If he had intended to do so, he would have done it immediately. The commissioners of barrack accounts had asked of the defendant to produce his cash account, which referred to these matters. He refused to do so ; but, at the same time, he thought it necessary to state an excuse for this refusal, and what was his reason? Because his accounts had all been tendered, settled, and the balance paid!—If he had wished to return the sums in question, here was an opportunity. But such was not in his contemplation. On the contrary, when asked to produce his cash account, he says, “ You have no right to look into my accounts. They are all tendered, examined, and the balance paid ! ” Yet he was to be told to-day, that it was in the mind of the defendant to give credit to government in another account.

Mr. Thomas Bonnar, secretary of the commissioners of military enquiry, produced the agreement, and the subsequent nine half yearly accounts, with other vouchers rendered to the barrack board, wherein he charged large quantities of stores, bought from George Watson, and the different receipts, as proof of payment for the same, signed by John Allen.

William James, clerk to Mr. Lodge (the packer em-

ployed), proved the various returns made by his employer, of the stores forwarded; and that a great part of them came from the defendant's warehouse in Bedford-street, in the name of Mungo Sheddon, who had been manager of Mr. Davison's army clothing concerns. He knew Watson, who was a clerk in that warehouse; and did not think he was, at the time, in any condition to buy or sell goods. He always considered, that they were manufactured at the Bedford-street warehouse, and belonged to the defendant; though the half yearly returns were made in the name of Mungo Sheddon, the manager; and afterwards in that of George Watson.

John Allen stated, that he came to Mr. Davison's employ in 1798, as a clerk, and the receipts produced to him dated in 1798-9 and 1800, he declared he signed by desire of Mr. Bowring, as receiving large sums of money in the name of George Watson. He never knew Watson till he saw him after he engaged with Davison. He was not in any way of business, nor had any means of doing any; he was merely an apprentice. On cross-examination he said the bedding and towels were the only articles furnished, but there was no secrecy observed throughout the whole transaction; they were all manufactured in the warehouse in Bedford-street.

Here the case on the part of prosecution closed.

Mr. Dallas for the defendant, made a speech of more than two hours, wherein he appealed to the jury, in very forcible language, on the great propriety of discarding from their minds the abuse which they had been accustomed to read for several months past in the newspapers against the defendant, as his future honour and happiness depended on the impartiality of their verdict. He then took a view of the manner in which the barrack department had been conducted previous to the year 1795, when a great variety of frauds had been committed to the injury of the public; but when general De Lancey had been appointed, that evil became the object of his attention. With a view to remedy the inconvenience he appointed Mr. Davison sole agent, to buy all the stores, and to transact the whole business, for which he was to



have  $2\frac{1}{2}$  per cent. commission. In the year 1798 the demand for barrack stores became so great, that the articles could not be procured in the market ; and by a new agreement entered into by the barrack-master-general, Mr. Davison was ordered to supply them himself. Being an army clothier, he possessed every facility and advantage, and for which he was allowed to charge the commission originally agreed on. These important facts would be proved by general De Lancey, whom he would call, and whose testimony would place his client in a very different light, with respect to his transactions with the public ; independent of which he had other witnesses to call, who would also prove that the articles supplied were charged 3 per cent. under the prices charged by others ; so that the public gained, instead of losing, by the transaction. The defendant employed one thousand workmen, and he acted under a new, positive, and particular agreement ; and his reason for making out his accounts in the way that he did, was by the suggestion of his clerk, as conformable to the original agreement, and the barrack regulation.

Lord Ellenborough.—“ What do you say to the answer to a question of the military commissioners, in which Mr. Davison denies the existence of any other agreement than that first concluded ; it will be material for you to observe upon that before you sit down, as you will have no opportunity of doing it afterwards.”

Mr. Dallas said, that he would not overlook that. The general would tell them that there was a second agreement. Supposing the existence of this, the next question would be, whether Mr. Davison was not entitled to commission on what he furnished from his own stores, as well as what he purchased from others. The charge was for frauds, and the defendant must be acquitted, if he either was entitled to commission, or had reasonable ground to suppose that he was so entitled.

General De Lancey proved that he appointed the defendant as agent to barrack stores in the year 1795 ; he at the time had no knowledge of him, but meeting him at public offices, where he was considered as a very active

punctual man in all his transactions. He acted as agent till 1798, when the demand for barrack stores was so great, that he allowed him to supply the articles from his own stores in Bedford-street. The patterns and the prices were submitted to the witness, and approved of. The whole was, except this deviation, conducted on the principle of the old agreement as to the commission. He had no suspicion of his acting fraudulently; on the contrary, he had the greatest confidence in his skill and activity, and he still thought so.

Cross-examined by the attorney-general—Patterns and prices were in most cases sent in and approved of; but he made no enquiries in order to ascertain the prices of the day. He did not make any enquiries among those who had been stated by Davison to have supplied him, about their prices. If the supplies were furnished at a reasonable rate, he did not think it material from whom they came. Being asked, whether he thought it immaterial that the checks should be lost? he answered, that if Mr. Davison furnished the stores at the market prices there could be no harm done to the public. Being asked, whether he relied on Mr. Davison's judgment when it became his interest to raise the prices as high as possible? he replied, that he never considered it as a certain conclusion that Mr. Davison would raise the prices.

Attorney-general—But it was his interest to raise the prices. Witness—I saw no objection to the business, if Mr. Davison did not exceed the prices which others had rendered.

Attorney-general—Mr. Davison checked as an agent; how did you agree that he should charge commission on his own supplies, as well as on what he purchased? Witness—That depends upon the construction that may be put upon the agreement.

Attorney-general—That won't do, sir.

Lord Ellenborough—You must answer the question directly, whether or not you authorised him to charge commission upon the stores furnished by himself. Witness—I did not authorize him. General De Lancey, in

continuation, said, that he never knowingly passed an account where commission was charged on Mr. Davison's own stores; nor would he ever knowingly pass such an account. He certainly understood that the second agreement gave Mr. Davison no permission to make such a charge; but at the same time Mr. Davison might have made out a case which would require consideration. If such a case had been submitted to him he would have considered it, or referred it to those under whom he acted. But the case never occurred.

Re-examined by Mr. Wilson.—Nothing was said in the second agreement about commission, as far as he recollected; but he understood that it was not to be charged on Mr. Davison's own stores.

By the Attorney-general.—He knew that Davison must have furnished stores of his own; but he relied on the accuracy of the accountants, and signed the accounts without examining whether double commission had been charged.

Examined by the Court.—He did not authorise Mr. Davison to charge double commission, and if Mr. Davison had done so, he would have considered it as a breach of the agreement. He never knew of the fictitious merchants, Allan, Watson, &c. nor ever knew that false names were given in. He would have considered it a breach of public duty if he had knowingly passed accounts under such circumstances.

John Bowring was then called.—He was book-keeper to Mr. Davison at the office St. James's-square. Mr. Davison had various other concerns to a great extent. Mr. Davison began to supply the barracks in 1795, two or three weeks before he came to him, and from his own stores in 1798.

Lord Ellenborough told the witness that he was not bound to answer any question that might criminate himself.

Mr. Davison directed him to make out the account in the name of Watson. He had said nothing about the matter till the witness had suggested the difficulty. What Mr. Davison supplied was from  $2\frac{1}{2}$  to  $3\frac{1}{2}$  per cent. on

the average, below the price at which the same articles were procured from other persons. All that Mr. Davison supplied on his own account was made up at the Bedford-street warehouse, where he had carried on business as an army clothier. In the first half year of 1803 the accounts were drawn up different from that in which they had been made up in 1798 to 1802. The reason was, that in the interval of 1802, when no supplies were delivered, he spoke to Mr. Davison about altering the accounts. He had some doubts whether the commission would be allowed on the supplies from their own warehouse, and suggested the consideration, whether the charge ought not to be withdrawn. At the outset he thought the charge perfectly regular. But he had some doubts afterwards, and mentioned the subject to Mr. Davison. Upon that Mr. Davison advised him to get the accounts back again, and to make the proper alteration; remarking at the same time, that if he erréd, he had rather err on the right side. He applied twice to Mr. Starbank at the barrack-office, but could not get the accounts back again; but Mr. Starbank said, that the credit might be given in some future account. Mr. Davison desired him to keep it in mind, and credit it in the account current with the barrack-master-general. No commission was charged in the subsequent accounts for supplies from the Bedford-street warehouse. A supplemental account was given in, but the credit was not given owing to a neglect of his.

Cross-examined by Mr. Garrow.—No memorial was sent in to the barrack-master-general, desiring that the accounts might be corrected. Mr. Davison merely desired it to be kept in mind and credited. They had always an open account with the barrack-master-general. Mr. Davison directed him to get the accounts made out in the names of Watson and Allan, as a matter of form. The first receipts of Allan and Watson had been taken for several half years after the accounts had been delivered in. These receipts were upon stamps, as if they had been regular transactions. When he ceased to

charge commission he made Davison debtor to his own house.

Lord Ellenborough.—Is there any reason why the name of Watson should have been used rather than have the account drawn up in the regular way, except for the purpose of getting the commission? Witness—I do not know any except what I have stated.

Mr. Starbank was next called, who proved that Bowring had called at the office for the accounts, which he had refused to deliver, conceiving it his duty not to part with them. There was a supplemental account given in, in which many errors were rectified.

Mr. Dallas.—Your lordship recollects that the enquiry did not take place till 1805, whereas the application for the accounts was in 1803.

Lord Ellenborough.—Yes; but in that very year, 1803, other enquiries were going on, which might occasion the dread of detection.

The witness proceeded to state, that he did not recollect that any thing had been said by Bowring about improper vouchers. The supplemental account was stated in 1806, and referred back to 1804, the time when general De Lancy left the office.

Lord Moira was called to character. He had known Mr. Davison for a great many years, but was not particularly acquainted with him till he applied to him to accompany the army which he commanded in the last war, as commissary-general. He had requested this of him as a favour, and his conduct was punctual and delicate, for he often sacrificed emoluments to which he was fairly entitled. He had no suspicion that he could be guilty of any fraud; for if he had, he would not have applied to him to accept of the office of treasurer of the ordnance, which was no object to him, for by accepting this he lost his half pay as commissary, and the difference between the full pay of the treasurer of ordnance, and the half pay of commissary was only 70*l*.

Sir Evan Nepean, Sir Andrew Snape Hammond, Sir William Rule, the Hon. Wellesley Pole, Mr. John Mar-

tin Leake, Mr. Hunter, Mr. John Cowley, Mr. William Smart, Mr. James Davidson, Mr. Black, Mr. Gilpin, Mr. Long, and Mr. Huskisson, also gave the defendant an excellent character, and declared that they would have thought it very unlikely that he should be guilty of a fraud.

The attorney-general in reply regretted as much as the counsel for the defendant, that there had been any calumnies which had gone abroad in prejudice of the defendant's case; but of this he was certain, that no one would impute to the crown the design of assisting in them; for his own part he had not read them, and he was sure the jury would dismiss them from their minds. He concurred also with his learned friend in desiring, that if the jury could have a doubt upon the case, they should incline the balance in favour of the defendant. As to the character which had been just given to the defendant, it could not in such a case have any weight, except in bringing to one's mind the melancholy reflection, that many men, who have maintained the best character through a great part of their lives, do not put a sufficient value upon the preservation of it, and do omit to take the advantage, and often commit offences, especially against government, with the hope of secrecy and impunity, for the sake of some paltry advantage of private gain. Every man finds friends to give him a character, till the very moment when he ceases to deserve it; and that moment has now unhappily arrived for the defendant. With respect to the grounds upon which the defendant's counsel had rested his case, he was not inclined to be dissatisfied with them, although they did not appear to be sufficiently comprehensive. In Lodge (the packer's) account, the names of the merchants occur truly, and there stands the article as goods furnished by Sheddan, and Watson's name was introduced afterwards in the barrack-office return; and it is important that in the first account rendered, this name was written upon an erasure, for most probably Sheddan's name was originally inserted there, and the putting in the name of Watson was an after-thought. What reason has been given for this by the defendant's counsel,

except that it was for the purpose of enabling him to charge the commission? For this purpose Bowring is brought forward to volunteer a satisfactory account how the mistake arose, and it will be proper to take him through his whole account, reserving that part in which he is flatly contradicted for the last observation. The reason why he substituted this name, is said to be, that he observed "how strange it will be for you to appear to sell goods for yourself;" and therefore for mere form sake they fabricate receipts, and for mere form put Davison to the expence of stamps to make it all appear regular. This fabrication happened after the accounts were delivered, and in 1802 there took place a strong investigation into the public accounts, and from that time he renders his accounts, Alexander Davison, debtor to the Bedford-street warehouse, and the receipt is by Sheddan for the Bedford-street warehouse. As to the reason for this change, and the application to Starbank at the barrack-office, it is obvious that Bowring has built a false story upon that which is perhaps a true transaction; for it is not true that he stated to Starbank that he wanted to deduct the overcharge of commission. There were other gross errors in the accounts to the amount of upwards of fifteen thousand pounds which were ripe for detection; and upon Starbank's refusing to give up the accounts, he did by a supplemental account give credit to government for various items to the amount of 15,479*l.* and one may judge of the correctness of what he states without contradiction, by the falsehood of that in which he is met by another witness. His evidence is nothing, without he can shew, that he stated to Starbank what he wanted the accounts back for, and he says, he told him it was to correct the commission account; but Starbank says, most certainly he did not so state it. Starbank recommending him to make allowance for errors in some future account, he says, he told Davison; and he said, "bear it in your mind and send it in a future account," instead of which he never sent that in, although from the transactions since he had opportunities of correcting it. He, Davison, is then called before the commissioners—his accounts are

questioned, and he swears in express terms that he executed his commission on the terms of his agreement made in 1794, and that there was no new agreement, or any thing in nature of an agreement, between him and general De Lancey. Now notwithstanding what De Lancey might have thought of the effect of the supposed subsequent agreement, as to charging commission, if Davison felt that a new agreement for commission upon his own supplies was to be inferred from it, how could he have sworn to this? In truth he never looked forward to his present situation. He thought then, and justly too, that it was not discovered that Watson and Allan were fictitious merchants, and supposed that the fraud never would be detected; and therefore never thought of talking of a new agreement then. If this was a mistake, he had opportunities of rectifying it. To day I put the case upon the fact, from 1797 to 1802, he did render goods of his own to government, and charged a commission. I thought it might be said to be a mistake, and prepared myself to meet that case. But it is answered for me by the defendant; for instead of shewing that it escaped his attention, he has proved by Bowring that it occurred to him as doubtful whether he could charge it or not; that he bethought himself of the error, and intended to settle it. If that was true, how could Davison himself swear, as he did, in the answer to the 36th question of the commissioners in 1805, that he never did render goods from his own warehouse and charge commission upon them. Does he not rather stand in the situation of a man who had done wrong, and thought himself so armed with false vouchers as to be able to escape detection? A second time he has an opportunity of correcting the error, when on the 23d of November, 1806, he retires behind the trenches of his settled accounts, and makes a balance against himself of 6047*l.* 17*s.* 11*d.* which he pays in about May, 1806; and when he is afterwards required to render a cash account, he says, they have no right to call upon him for any enquiry into that account, and holds the commissioners at arm's length, and tells them that the account has been settled a long while, and



the balance paid. There are, therefore, three occasions on which he had an opportunity of setting the account right, all of which he passes by. What was it that induced him to do this? It must have its true name—it was a gross fraud. It is true he obtained permission to make “some sort of a change in the agreement” from general De Lancey, which did change his character. By his change of character he took a profit six or seven times greater than his commission. And the additional charge of commission could not be allowed, without De Lancey was imposed upon by false vouchers, which was easily effected. For a general account only is sent into general De Lancey, and there the commission is charged, but it does not directly meet the eye. In the abstract sent to the office, six hundred pounds, supposing that to be the amount of the goods supplied, is charged, and underneath is added fifty pounds for commission; but in the general account it stands as one sum of six hundred and fifty pounds. De Lancey could therefore know nothing of the charge of commission, and Starbank thought all was regular, because he did not know that Watson was not truly a merchant, whose name he saw as the supplier of goods and not Davison’s—This is necessary to be explained, because otherwise De Lancey may be under the imputation, that, notwithstanding he was of opinion, that it would be wrong to charge commission, he must have seen commission charged upon the whole account, and also have known that Davison supplied part at least of the goods. One may be well satisfied, said the attorney-general, that this cause did not call for so long an answer but it is for a cause of very great importance for the public, and it is not a light case as to the effect which it will have in giving security to the public against frauds in public accounts. It may not be easy to trace those effects immediately; but if frauds are permitted to go unpunished, impunity in one instance leads to the commission of many others, and the example of punishment can alone check the evil. In the words of the indictment, it is now clear, that, with intent to procure to himself an

undue commission, this defendant did render to the public office these false receipts and vouchers.

Lord Ellenborough summed up the case very carefully. Without attempting to recapitulate all his observations upon the evidence, which would lead us back through the foregoing statement, we shall only observe that he dwelt with impartiality and discrimination upon the principal features of the case, and said it was admitted that the vouchers were false, and that the charge for commission could not be allowed. How false vouchers could be used with an honest intention, could not be perceived. Honest ends seldom, if ever, require dishonest means. As to professed intentions of rendering back the money in some subsequent account, if the fraud was once committed by the production of false vouchers, that would not be a defence; but still, if there was an honest intention of repairing the error, that would strongly beat an appeal to the hearts of all men to induce them to suppose that the original intention of producing the vouchers were fraudulent. This, however, did not appear; for when the defendant had a *locus pœnitentiæ*, and might have corrected the error which his recollection brought back to the subject, he did not correct the account. His corrections applied only to 15,479*l.* for other errors. As to the defence upon the right to charge commission under a new agreement, he said he waited for the evidence with great anxiety, because it was not consistent with his own oath, in the answer to the 6th question; and if such an agreement had been proved, it would have been open to great suspicion of a collusion with general De Lancey. The evidence of that gentleman had, however, disproved that part of the case.

After his lordship had gone through the evidence, the counsel for the defendant took an objection to the information, that it stated that Mr. Davison was entitled only to commission upon the sum charged for the goods, instead of which he was to have a commission on all charges of insurance, freight, and other sums advanced. But his lordship thought this immaterial, as it was only neces-

sary to state what was material to the fact charged, and as it was charged that he supplied goods to a certain amount, and received 328*l.* as commission upon the price of those goods, which was true, it was immaterial whether in fact he made other charges and had other commissions. He said he recollected a case of the name of Yate v.—— (Yate v. Willan we believe, in East's Report,) in which that point was settled.

The jury, between seven and eight o'clock, pronounced a verdict of guilty.

This trial lasted from nine in the morning until eight at night.

He was sentenced to two years' imprisonment.

### JOHN PIERCE, VINCENT PIERCE, AND ELIZABETH LUKER,

*Sentenced to Imprisonment, for a Riot at Sadler's Wells Theatre, which occasioned the Death of Eighteen of the Audience!*

THIS very shocking circumstance, so recent, must be fresh in the mind of every reader; but the true cause of the alarm, so fatal in its consequences, is known but to few. If it had been occasioned wilfully for the sake of plunder, the very worst of deaths should have overtaken the offenders. As it was, the injured proprietors of the theatre, who alone were entitled to prosecute, could only reach the promoters in a conviction of a riot, unattended with proof which would lead to capital punishment.

It appeared that a noisy intoxicated party, among whom were those convicted, sat in the pit, and were observed, during the evening, to disturb the audience. At length they so greatly annoyed the peaceable part near them, that a quarrel arose; and the woman, Elizabeth Luker, cried out to her debauched male associates, Fight! Fight! This was unhappily, by distant parts of the house, supposed to be the cry of Fire! Fire! So dread an alarm in such a place—hundreds crowded together—

will readily be conceived. Each seeking safety in flight, the avenues of the theatre were soon choaked up, and the weakest trampled under foot.

In vain did the performers from the stage call upon them to return—in vain did they assure them that there could be no danger of fire in a theatre filled with water ; even a speaking-trumpet, proclaiming to that effect, was not heard.

Eighteen unhappy mortals thus perished ! They were mostly females and boys. The men, thus numbered with the dead, were small, and apparently of weak habits of body.

From the turbulent part, the three above named, who were, however, unintentionally the cause of this havoc, were identified, seized, tried, and convicted of a riot.

Mr. Mainwaring, the chairman at the quarter sessions at Hicks's hall, where they were tried, addressed them in a very impressive and solemn manner, to the following effect :

“ John Pierce, Vincent Pierce, and Elizabeth Luker, you have been severally convicted on an indictment which charged you with being riotously and tumultuously assembled for the purpose of disturbing the king's peace, and of having resisted the legal authority to suppress your dangerous conduct in a theatre legally authorised, called Sadler's Wells.

“ It has appeared that you obtained admission into that theatre ; and it has also appeared from the evidence, that you repeatedly interrupted the performance, grossly insulted the audience, and obstructed the officers, duly authorized, in the performance and execution of their duty, when interposing to prevent your riots. It is necessary, to preserve the public peace, that propriety of demeanour should be observed, from the highest to the lowest, in persons assembled at places of public amusement. The mischievous and fatal effects which have ensued for want of a due observance of the principles of decorum are too numerous to make it necessary for me to recount ; and it is to be lamented that hardly a week passes but those disturbances do arise in some or other of the thea-

tress ; but the calamitous and dreadful events which happened in consequence of your outrageous conduct are distressing in the extreme. Not less than eighteen lives were lost !—whole families were plunged into irremediable ruin, by the loss of the protection of those who were their natural protectors and guardians. When informed of the mischief you had occasioned, instead of exhibiting horror and dismay, and professing symptoms of sorrow and compunction, you most unfeelingly replied, “ Well, we don’t care ; we can’t be hanged for it ! ” But surely, if you are not worse than brutes or savages, or strange to the feelings which in general govern human nature, you will hereafter feel compunctions of remorse for the misery you have entailed upon the relatives of the deceased. The sentence which the court is about to pronounce is slight, in comparison with your crimes, and affords no atonement for your offence ; but it is to be hoped, that the punishment will have the effect of calling you to a proper repentance and contrition, and induce you to conduct yourselves for the future at all times, and in all places, with decency. Eighteen of your fellow-creatures by your improper conduct have been deprived of their lives ! Wives of their husbands ! Fathers of their children ! And children of their parents ! And whole families brought to utter ruin by your outrageous conduct.—The sentence, therefore, of the court upon you, John Pierce, is, that you be imprisoned for the space of six months ; and that you, Vincent Pierce, be imprisoned for the space of four months :—and that you, Elizabeth Luker, be imprisoned only for the space of fourteen days.”

*Extraordinary Defence against a desperate Gang of Housebreakers.*

ON the 24th March, 1811, the following gallant defence made by John Purcel, Esq. of Highfort, near Charleville, cannot fail of exciting a considerable degree of interest,

particularly as Mr. Purcel is upwards of 70 years of age.—It appears that Mr. Purcel had determined to set apart the evening of the 24th March, for the purpose of arranging some of his accounts; and, as he foresaw that he would be hereby employed until a late hour, he caused his servant to provide supper. The room in which he had supped and slept was inside his parlour, the windows of which latter, after a short interval, were beat in; and scarcely an instant elapsed before he heard several persons, he believed twelve or thirteen, leap into the room in rapid succession; he had but a moment to deliberate; and, although he found himself totally unprovided with any other weapon than the knife, which he recollected lay on the table, he, with the most astonishing and unparalleled bravery, resolved on defence.

As there were two doors connecting his bed-chamber with his parlour, he was awhile in suspense at which the robbers would enter; but was speedily relieved from his doubts, by hearing them remove a garde du vin, which obstructed one of the passages; and thereupon seeing the door thrown in by a violent blow of a sledge, Mr. P. now put his back close against the wall, immediately contiguous to the door. Although the darkness of Mr. P.'s room rendered him invisible to those without; yet the moon shining brightly through the windows which had been broken, and through which the party entered, gave him an imperfect view of his assailants, and discovered two men abreast, approaching him by the door. Mr. P. at this moment only hesitated to decide whether a back hand, or a right forward blow would be most powerful; and, on preferring the former he plunged his knife far into the breast of the nearest man, who immediately fell back with a horrible scream, and expired. The captain of the party gave orders to fire, and a musket was thereupon presented at Mr. P. and actually lay against his belly; but, as from its oblique position Mr. P. saw it could not injure him, he pressed against the barrel in order to induce a belief that it should prove mortal, and permitted it to be fired. He then gave this ruffian also a terrible wound, when he retreated; a third fellow, undeterred by

these examples, had the temerity to attempt an entrance, but met with a like repulse—the expulsion of the entire gang from the house it was imagined was, by this, effected, with the exception of one powerfully strong villain, who, more successful than his comrades, forced his way into the bed-chamber, which the ruffian presently notified in the loudest and most exulting tone. During the whole of this most terrific proceeding, Mr. P. had not felt the influence of apprehension, until this, that when greatly fatigued his destruction seemed inevitable; but yet as a hopeless effect, he determined on continued resistance—he closed on his assailant, and a very fierce struggle ensued—Mr. P. finding that although he frequently stabbed the fellow in the side, he nevertheless persisted in repeating a demand of Mr. P.'s money, dreaded the point of his knife had been turned and blunted; and such, on feeling it, he found to be the case—he was thus bereft of his only weapon; however, in the encounter he discovered a sword suspended to his opponent, which he now strove to gain; but, during the exertion, the wretched man expired in his arms, and thus Mr. P. found that his knife had not failed, until, guided by providential interposition, it had miraculously and faithfully secured his deliverance.

The remainder of the party were now contented to depart, carrying off the dead and wounded, and Mr. Purcel, dreading the renewal of the attempt with increased numbers, prudently concealed himself between two heaps of culm in an adjoining yard, from whence he issued in the morning completely coated with blood, and whatever else this clammy matter caused to adhere to his body and limbs. It seems a third fellow named Joy, who composed one of this party, died in Newcastle, county of Limerick, his wounds not having permitted him to escape further than that town.

**THE HONOURABLE ARTHUR WILLIAM  
HODGE,**

*One of the Members of his Majesty's Council in Tortola, an Island subject to Great Britain, in the West Indies, executed there on the 8th of May, 1811, for the Murder of his Negro Slave.*

WE believe that this is the first Englishman, at any rate since the late amelioration of their wretched condition, who suffered capital punishment for flogging his own slaves to death; but we are very sure that numbers—as well French, Spaniards, Dutch, Portuguese, and above all, Americans—have deserved the fate of Hodge, for barbarity to their fellow men, differing in nought but colour.

The greater part of Englishmen, while drinking grog, or quaffing the fumes of best Virginia; or their wives and daughters in sipping their tea, know not by what base means, rum, sugar, and tobacco are imported into their country. The case before us affords an opportunity of throwing some light upon the dark subject—of bringing to public view a long continued series of barbarity—of burdens not fit for beasts to bear—of whips and chains that overpower the frailer flesh, and bend the spirits down—of deliberate, cruel, wanton, and unpunished murders.

The brutal murder for which Mr. Hodge suffered death, caused further investigations to be made in other West India islands; and which, at length, reached the government of the mother country. This produced a correspondence between the earl of Liverpool and governor Elliot, from which we shall select the first official document laid before a committee of the house of commons, exhibiting similar scenes of barbarity in another island.



FROM THE ST. CHRISTOPHER GAZETTE OF 23RD FEB. 1810.

*Published by the Authority of the Assembly of the Island of Nevis.*

NEVIS.—At a meeting of the gentlemen of the assembly at Charlestown, on Wednesday the 31st day of January, 1810; the following resolutions were entered into :—

Resolved, That it is the opinion of this house, that the conduct of Edward Huggins, sen. Esq. on Tuesday the 23d of last month, in inflicting punishment on several of his negroes in the public market-place of this town, was both cruel and illegal; and that particularly in two cases, where two hundred and forty-two, and two hundred and ninety-one lashes were given, he was guilty of an act of barbarity altogether unprecedented in this island. That this House do hold such conduct in the utmost abhorrence and detestation, which sentiments perfectly accord with the feelings of the community in general. That this House do pledge themselves to promote the strictest investigation into this cruel proceeding, so disgraceful to humanity, so injurious to the fair character of the inhabitants, and so destructive of the best interests of the West India colonies.

Resolved, That the above resolutions, with the evidence taken in support thereof, be printed. That copies be transmitted to England, and circulated through all the islands.

The examination of John Burke, jun. deputy secretary of the said island, upon oath, saith, that on Tuesday, the 23d Jan. 1810, he was standing in the street opposite the house of the Rev. William Green; when he saw Edward Huggins, sen. Esq. and his two sons, Edward and Peter Thomas Huggins, ride by, with a gang of negroes, to the public market-place; from whence the deponent heard the noise of the cart-whip; that deponent walked up the street, and saw Mr. Huggins, sen. standing by, with two drivers flogging a negro-man, whose name deponent understood to be Yellow Quashy. That deponent went

into Dr. Crosse's gallery, and sat down: that two drivers continued flogging the said negro-man for about fifteen minutes: that as he appeared to be severely whipped, deponent was induced to count the lashes given the other negroes, being under an impression that the country would take up the business. That deponent heard Mr. George Abbot declare, at Dr. Crosse's steps, near the market-place, that the first negro had received three hundred and sixty-five lashes: deponent saith, that Mr. Huggins, sen. gave another negro-man one hundred and fifteen lashes; to another negro-man sixty-five lashes; to another negro-man forty-seven lashes; to another negro-man one hundred and sixty-five lashes; to another negro-man two hundred and twelve lashes; to another negro-man one hundred and eighty-one lashes; to another negro-man fifty-nine lashes; to another negro-man one hundred and eighty-seven lashes; to a woman one hundred and ten lashes; to another woman fifty-eight lashes; to another woman ninety-seven lashes; to another woman two hundred and twelve lashes; to another woman two hundred and ninety-one lashes; to another woman eighty-three lashes; to another woman forty-nine lashes; to another woman sixty-eight lashes; to another woman eighty-nine lashes; and to another woman fifty-six lashes; and, that the woman who received two hundred and ninety-one lashes appeared young, and was most cruelly flogged. That all the negroes were flogged by two expert whippers: that Mr. Edward Huggins, jun. and Mr. Peter Huggins, were present at the time the negroes were punished: that Dr. Cassin was present, when some of the negroes were whipped, and when a man received two hundred and forty-two lashes. That deponent understood that Dr. Cassin was sent for by Mr. Huggins, sen. That Edward Harris, Esq. Mr. Peter Butler, and Dr. Crosse, were present at Dr. Crosse's house a part of the time during the punishment: and that Mr. Joseph Nicholson, Mr. Joseph Laurence, and Mr. William Keepe, were present all the time.

JOHN BURKE, Jun.

Sworn before me, this 31st Jan. 1810,  
at the Secretary's office.—WM. LAURENCE.

The examination of Joseph Laurence, of the said island, upon oath, saith, That he was present on the 23d Jan. when Mr. Edward Huggins, sen. was flogging his negroes in the market-place; and that the number of lashes given the negroes, by drivers, as stated in the deposition of Mr. John Burke, jun. is just and true: that deponent saw one of the negroes, after he was whipped severely, scrape the blood from his buttocks and drink it.

### JOSEPH LAURENCE.

Sworn before me, this 31st Jan. 1810,  
at the Secretary's office.—WM. LAURENCE.

The examination of George Abbot, deputy naval officer of the said island, upon oath, saith, that on the 23d Jan. 1810, he counted three hundred and sixty-five lashes, and that a negro-woman passing his house, said, he would die. This deponent asked her if all the lashes were given to one person; to which she answered, yes; that deponent then went down in town, and saw a yellow negro in the market-place, which appeared severely whipped.

### GEORGE ABBOTT.

Sworn before me this 31st Jan. 1810,  
at the Secretary's office.—WM. LAURENCE.

A bill of indictment having been preferred against the said Mr. Huggins, in consequence of one of the female slaves, he was acquitted, on which occasion Mr. J. W. Tobin addressed an animated letter to the governor, asserting that the jury was packed; and, that their verdict excited the surprise and indignation of the respectable part of the community.

In the letter of lord Liverpool to the governor, after adverting to the heinousness of the transaction, he says, "I am commanded by his Royal Highness the Prince Regent to direct that you will remove from that honourable situation any magistrate or magistrates who actually witnessd the infliction of the punishment without in-

terference ; and, that he cannot receive from the council and assembly of the Virgin Islands a more flattering assurance of their regard to the wishes of their sovereign, and of the interest they feel in supporting the honour of the British name, than their anxious endeavours to ameliorate the condition of that class of beings, whose bitter and dependant lot entitles them to every protection and support."

Let us now bring forward the narration of an individual, on the sufferings of African slaves in the British West India Islands.

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The following are extracts from a work lately published by Dr. Pinckard, inspector-general of hospitals, and physician to the Bloomsbury dispensary, intituled, "Notes on the West Indies :"—The facts took place at an English plantation in Demerara, where the doctor was stationed himself at the time.

"Two unhappy negroes, a man and a woman, having been driven by cruel treatment to abscond from the plantation of Lancaster, were taken a few days since, and brought back to the estate, when the manager, whose inhuman severity had caused them to fly from his tyrannic government, dealt out to them his avenging despotism with more than savage brutality. Taking with him two of the strongest drivers, armed with the heaviest whips, he led these trembling and wretched Africans early in the morning, to a remote part of the estate, too distant for the officers to hear their cries ; and there tying down first the man, he stood by, and made the drivers flog him with many hundred lashes, until on releasing him from the ground, it was discovered that he was nearly exhausted : and in this state the inhuman monster struck him with the butt end of a large whip and felled him to the earth ; when the poor negro, escaping at once from his slavery and his sufferings, expired at the murderer's feet. But not satiated with blood, this savage tyrant next tied down the naked woman, on the spot by the dead body of her husband, and with the whips, already died with blood, compelled the drivers to inflict a punishment of several

hundred lashes, which had nearly released her also from a life of toil and torture.

“Hearing of these acts of cruelty, on my return from the hospital, and scarcely believing it possible that they could have been committed, I went immediately to the sick-house to satisfy myself by ocular testimony; when, alas! I discovered that all I had heard was too fatally true: for, shocking to relate, I found the wretched and almost murdered woman lying stark naked on her belly, upon the dirty boards, without any covering to the horrid wounds which had been cut by the whips, with the still warm and bloody corpse of the man extended at her side, upon the neck of which was an iron collar, and a long heavy chain, which the now murdered negro had been made to wear from the time of his return to the estate.

“The flesh of the woman was so torn, as to exhibit one extensive sore from the loins almost down to her hams; nor had humanity administered even a drop of oil to soften her wounds. The only relief she knew was, that of extending her feeble arm in order to beat off the tormenting flies with a small green bough, which had been put into her hand for that purpose by the sympathizing kindness of a fellow slave. A more shocking and distressing spectacle can scarcely be conceived. The dead man, and the almost expiring woman, had been brought home from the place of punishment and thrown into the negro hospital, amidst the crowd of sick, with cruel unconcern. Lying on the opposite side of the corpse was a fellow sufferer in similar condition to the poor woman. His buttocks, thighs, and part of his back, had been flogged into one large sore, which was still raw, although he had been punished a fortnight before.

“A few days after the funeral, the attorney of the estate happened to call at Lancaster, to visit the officers, and the conversation naturally turning upon the cruelty of the manager, and the consequent injury derived to the proprietors we asked him what punishment the laws of the colony had provided for such horrid and barbarous crimes; expressing our hope that the manager

would suffer the disgrace he so justly merited! when to our great surprise the attorney smiled, and treated our remarks only as the dreams of men unpractised in the ways of slavery. He spake of the murder with as little feeling as the manager who had perpetrated it, and seemed to be amused at our visionary ideas of punishing a white man for his cruel treatment of slaves.

“To the question, whether the manager would not be dismissed from the estate? he replied, ‘Certainly not;’ adding, ‘that if the negro had been treated as he deserved, he would have been flogged to death long before.’ Such was the amount of his sympathy and concern! ‘The laws of the country,’ he said, ‘were intended to punish any person for punishing a slave with more than 39 lashes for the same offence; but by incurring only a small fine he could at any time punish a negro with as many hundred lashes as he might wish, although the governor and the fiscal were standing at his elbow.’”

That the slaves universally believe in transmigration to Africa, after their decease, and that this renders them often desirous to terminate their miseries by suicide, which masters have the greatest difficulty in preventing, are statements pointedly made by Dr. Pinckard. But his account of two negro funerals, which he witnessed himself, are still more striking, as evidence of the *humanity* of planters, and the *happiness* of their slaves. At both these solemnities, the most unbounded marks of joy, and, as it were, congratulation, formed the rude ceremonial. The corpse of the happy negro, now rescued from his chains by a power, against which not even white men could contend, was followed by his surviving comrades, singing and capering for joy; and asking him, like the barbarians of the polar circles, why he died, or lamenting that he had left them, but addressing him in exclamations of envy; of hope that they should speedily follow him, and of confidence that the moment of their death would prove also the signal of relief from their wretchedness.

Great wretchedness is occasioned at slave sales, by the separation of their friends and relatives. This dread-

ful and inherent feature of the traffic has not perhaps, been sufficiently attended to. The following description of a mother who was exhibited at a sale, with her son and three daughters, furnishes an instance :

“The fears of the parent, lest she should be separated from her children, or these from each other, were anxious and watchful, beyond all that imagination could paint, or the most vivid fancy pourtray. When any one approached their little group, or advanced to look towards them with the attentive eye of a purchaser, the children in broken sobs, crouched nearer together, and the fearful mother in agonizing impulse, instantly fell down before the spectator, bowed herself to the earth, and kissed his feet ; then alternately clinging to his legs, and pressing her children to her bosom, she fixed herself upon her knees, clasped her hands together, and in anguish cast up a look of humble petition, which might have found its way even to the heart of a Caligula?—and thus, in Nature’s truest language, did the afflicted parent urge the strongest appeal to his compassion, while she implored the purchaser, in dealing out to her the hard lot of slavery, to spare her the additional pang of being torn from her children.”

Though Dr. Pinckard was always well received by the planters—lived in their society on a footing of the closest intimacy—was a witness of all the good as well as the evil of their manners—and is, in every respect, most naturally and properly inclined to vindicate them, where truth will permit ; yet his whole volumes, abounding in every species of information, containing all the results of his attentive, unwearied observations on the state of the slaves, as well as of the colonies in general, do not offer to the most attentive perusal one single fact or circumstance, approaching to a defence of the evil so often imputed to the slave trade. Their whole compass offers not a line to contradict, nor even in any degree to weaken the mass of evidence upon which former writers on colonial affairs have long denounced that detestable enormity. On the contrary, he furnishes, almost in every page, new examples of its evils, and new grounds for its abolition.

Of the treatment of the other "enlightened nations of Europe," who for more than a century past, have been in possession of parts of the West India Islands, we know but few particulars; but rumour always proclaimed them to be as "refined in cruelty" as the English. In Saint Domingo, an island nearly as large as England, thousands—nay tens of thousands of blacks have been massacred by French and Spaniards; until the oppressed turned upon their oppressors, and in turn annihilated them.

But let us now turn to charges of an American writer upon his own countrymen; and see whether we cannot find, if possible, still greater cruelties inflicted upon their own slaves, in their own boasted land of liberty.

Mr. John Parrish, an American born citizen and an enlightened Quaker, in a pamphlet published in Philadelphia, 1806, by Kimber, Conrad, and Co. (who have correspondents in London) says;

"There is a species of slave trade carried on in the United States, which in cruelty equals that in the West Indies. A class of men whose minds seem to have become almost callous to every tender feeling, having agents in various places suited to their purpose, who travel through different states, and by purchase or otherwise, procure considerable numbers of these people, which consequently occasions a separation of the nearest connections in life. Husbands from wives and parents from children—the poignant sensations marked on their mournful countenances disregarded—are taken in droves through the country like herds of cattle, but with less commiseration; for, being chained or otherwise fettered, the weight and friction of their shackles naturally producing much soreness and pain, they are greatly incommoded in their travel. Jails, designed for the security of such as have forfeited their liberty by a breach of the laws, are, through the countenance of some of the magistracy, made receptacles for this kind of merchandize; and when opportunity presents for moving them further, it is generally in the dead of night, that their cries might not be heard, nor legal methods pursued, such as have been kidnapped. Others are chained in the garrets or



cellars of private houses till the numbers becoming nearly equal to the success which may have been expected, they are then conveyed on board, and crowded under the hatches of vessels secretly stationed for that purpose, and thus transported to Petersburg in Virginia, or such other parts as will insure the best market, and many are marched by land to unknown destined places.

“Is it not a melancholy circumstance that such an abominable trade should be suffered in a land boasting of liberty?—While I was waiting with others on the legislature of Maryland at their session in 1803, it was well known that a vessel lay in the river below Baltimore, to take in slaves, a practice frequent on the waters of Maryland, Delaware, and many other places.

“The evidence of a free African will not be taken against a white man; and, therefore, he may go unpunished.

“Many of the people of colour, who had fled to prevent their being sold to southern traders, have, by authority of the fugitive law, been pursued, brought back, and sold to men of this description; and, as government has refused to afford them any redress, to God only could they look for support. Thus this law is put in force against an unoffending helpless people, while of the fugitive for murder or theft, little or no notice is taken; so that the true spirit of judgment is turned backward.

“In some places, cognizance is taken of murder, long after the perpetration. In Great Britain, the governor of Goree, in Africa, for ordering a soldier to be illegally whipped, which occasioned his death, was tried and executed fifteen or twenty years afterwards. How have the coloured people’s lives been sported with in some parts of the United States! Numbers have been whipped to death, and otherwise murdered, and little or no notice taken, in a judicial capacity. It was reported, from good authority, that a black man who was sold from near Snow-hill, in Maryland, to a distant part of the continent, returned back, and lay out of doors. Being accused of stealing from his neighbours, he was pursued, taken, and brought into the village one morning, and

there hung without judge or jury; of which no more notice was taken than if they had hung a dog!—

“It was a just observation of Thomas Jefferson (late President of the United States,) ‘that the whole commerce between master and slave is one perpetual exercise of the most boisterous passions on the one part, and degrading submission on the other.’ Many instances have occurred, and some of a recent date, where the slaves have rather chosen death, than to remain in a state of bondage liable to be separated from all that is dear to them. Some have plunged into the water, and drowned themselves; others have cut their throats—one in particular, lately in Delaware county gaol, and another, on the pavement in Philadelphia, finding they were about to be sent from their relatives to the West Indies. Others, in attempting to make their escape, have resorted to desperate means for attempting it. A number of these unhappy people were taken from the eastern shore of Maryland, by two of the southern slave traders, called Georgiamen—by name Henry Spiers, and Joshua Butts, who being concerned with the treasurer of the State of Georgia, and furnished by him with eight or ten thousand dollars out of the treasury, to speculate on; but as they were returning with their purchases through Virginia, they were exterminated by their prisoners; who were afterwards apprehended, and several of them executed.

“When I was travelling through North Carolina, a black man who was outlawed, being shot by one of his pursuers, and left wounded in the woods, they came to the ordinary where I had stopped to bait my horse, in order to procure a cart to bring the poor wretched object in. Another, I was credibly informed, was shot, his head cut off and carried in a bag by the perpetrators of the murder, who received the reward, which was said to have been two hundred dollars, and that the head was stuck on a coal house at an iron works in Virginia. His crime was going, without leave, to visit his wife who was in slavery at some distance. One Crawford gives an account of a black man being gibbeted alive in South

Carolina, and the buzzards came and picked out his eyes. Another was burnt at the stake in Charlestown, in the same state, surrounded by a multitude of spectators, some of whom were people of the first rank;—the poor object was heard to cry, “Not guilty—not guilty.”

“A judge on the eastern shore of Maryland sold thirteen of his slaves to a southern trader, among whom was a man, who was sent to gather oysters, while his wife was taken away; when he returned and found his wife was gone, he expostulated with his learned master, asking, ‘whether he had not been a faithful slave for more than twenty years?’ and requesting he might go after his wife:—but this boon of mercy was refused. A man by the name of Black, in Cedar Creek Neck, the latter end of April, 1805, in the state of Delaware and county of Sussex, suspended a black lad; and, tying three fence rails to his feet, beat him to death, and then buried the body in the night. On discovery of the fact, the corpse was taken up, and by the coroner’s inquest he was found guilty of wilful murder. It further appeared that Black had been the death of two unhappy victims before, which was kept secret. What makes the former murder more lamentable was, the lad was innocent of the crime he was charged with, viz. taking leather for a pair of shoe soles, which Black’s son afterwards acknowledged that he had taken. The murderer escaped justice.

“From a recent account, published in the American Daily Advertiser, by a person who had taken a tour along the eastern shore of Maryland, it appears that from that side of the bay only, there were not less than six hundred blacks carried off in six months by the Georgia men, or southern traders. In the state of Maryland there is the greatest market, or inland trade, of the human species of any part of the United States. Some of the agents of those southern traders are so hardy as to publish advertisements of their readiness to purchase these kinds of cargo, which they effect in various ways; frequently by purchases made so secretly, that the poor blacks when engaged at their meals, or occupied in some domestic concerns, not having the least intimation of the design, are

suddenly seized, bound, and carried off, either to some place provided for the purpose, or immediately on board the vessel. Many are obtained by kidnapping, until the whole supply is completed.

“ A man of the name of Swan, in Easton, who was concerned in this nefarious business, was detected and sent to gaol. On searching his house, two children, of colour, were found secreted in an upper room. He used to keep these poor objects locked and chained, until his colleagues came and took them away, some by land and others by water. Such as passed through Baltimore frequently had their numbers increased out of the gaol, where (by countenance of men in authority, as before observed), they were lodged until such time as they could be conveyed away. These men-stealers, though far worse than highway robbers are seldom made to suffer what a due administration of the law would justly inflict. One of them being spoken to on account of his engaging in this horrid traffic, confessed that ‘if he were to give conscience fair play he would not do it.’

“ I have heard some men in eminent stations say, ‘The country must be thinned of these people (the blacks)—they must be got rid of at any rate.’ Some from embarrassed circumstances have made sale of these wretched objects, who, being fallen upon unawares, were handcuffed and sent afar off, which has struck such a terror to other slaves, who would otherwise have remained with their masters that they have run away. A man and his wife on the same shore of Maryland, being thus circumstanced, fled under such alarm, that the woman left behind her sucking child. After they were taken, I met them, coupled together in irons, and drove along the road like brute beasts, by two rough unfeeling white men.—About sixty in one drove of these poor men, women, and children, were lately driven through Pennsylvania; and not only the males, but the women, were so iron bound, that it was with great difficulty the latter suckled their children.

“ Two persons, who were travelling through the southern states in the autumn of 1803, stopped at Charlotte

Ville in North Carolina, and put up at the widow Mason's ordinary, where they saw a coffin making. On enquiry respecting the deceased, they were told that the widow's son, after threatening a black man, threw a stone at him and fractured his skull, which in a few days occasioned his death, leaving a weeping widow and several children to deplore his loss; but, as he was a black, it seemed that little notice was taken of it. This youth appeared to be such a one as is described in Jefferson's notes on Virginia, who had 'caught lineaments of wrath, and had given loose to the worst of passions; and thus nursed, educated, and daily exercised, in tyranny, could not be stamped with odious peculiarities.' As these same travellers were passing through Virginia, near Amherst court-house, they were informed by a black woman, with tears in her eyes, that a beloved brother, about two weeks before, had been so barbarously whipped by an overseer, that he died two days after the punishment. When I was in Maryland, a minister of the gospel took some black children away from their parents, amid the screams of the mothers, never to meet again!

"It has been asked, what can be said in favour of emancipation, when so many that are free are crowded into gaol for dishonesty? I am not disposed to countenance wrong things, but they may plead the example of the whites. That disposition for theft which they have been branded with, must be ascribed to their situation, and not to any depravity in a moral sense. The man in whose favour no laws of property exist, probably feels himself less bound to respect those made in favour of others. When arguing for ourselves, we say, 'that laws, to be just, must give a reciprocation of right:' that without this, they are mere arbitrary rules of conduct founded in force, and not in conscience; and it is a problem, which I give the master to solve, whether religious precepts against the violation of property were not framed for him as well as his slave; and, whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who may slay him; that a change in relation, in which a man is placed, should

change his ideas of moral right or wrong, is neither new nor peculiar to the colour of blacks. Homer tells us it was so upwards of two thousand six hundred years ago:—

Jove fix'd it certain, that whatever day  
Makes man a slave, takes half his worth away."

*Jefferson's Notes on Virginia.*

This wretched race of men, both in the West India islands, and United States of America, are bought and sold, exactly as we sell our horses, oxen, sheep, and swine. Planters, who are to a man gamblers, will stake a negro on the turn of a card, or the cast of the dice; or barter them for a horse, cattle, or a piece of land. They are put up in lots at auction, as we sell horses, and carried hundreds of miles, from the place where they were born. On the death of their master they are sold, along with the quadruped stock of the estate, to the best bidder, as the following advertisement, taken from a paper printed in the very town where general Washington was born, will fully prove.

### TO BE SOLD AT AUCTION,

PURSUANT TO THE LAST WILL AND TESTAMENT OF  
MANN PAGE, DECEASED,

*All the Personal Property belonging to his Estate:*

Consisting of about One Hundred and Sixty  
NEGROES,

Together with all the stock of horses, three mules, cattle, shecp, plantation utensils, and about 1000 barrels of corn. Amongst the negroes are seven very valuable carpenters, three excellent blacksmiths, two millers, and some other tradesmen. The greater part, if not the whole, of this valuable property, will be sold on a credit of 12 months; the purchaser giving bond with approved security, to bear interest from the date, if not punctually paid. All sums under 20 dollars must be paid in money.

There is also to dispose of, at private sale, and on the foregoing terms a number of

## LOTS

In Hanover town, county of Hanover, including the tobacco warehouses, at that place; a house and lot in the town of Bath, or Berkley springs, and 3000 acres of  
TENNESSEE LANDS,

belonging to the said estate.

All persons having claims against said estate, will please to make them known as speedily as possible; and those indebted will, it is hoped, be forward in making payment to

**ROBERT PATTON,**  
Administrator with the will annexed.

*Fredericksburgh, Virginia, Dec. 1, 1806.*

The sum of these doleful tales is the case of Hodge, who, for his wickedness to his slaves, expiated his crimes by the hands of the executioner; unpitied by the whites, and execrated by the blacks of Tortola.

The Hon. A. W. Hodge, Esq. proprietor, and one of the members of his Majesty's council in this island, was indicted for the murder of one of his own negroes, of the name of Prosper.

The prisoner on his trial, being put to the bar, pleaded "Not guilty." The first witness called to prove the charge was a free woman of colour, of the name of Preen Georges. She stated that she was in the habit of attending at Mr. Hodge's estate to wash linen; that one day Prosper came to her to borrow 6s. being the sum that his master required of him, because a mango had fallen from a tree, which (he) Prosper was set to watch. He told the witness that he must either find the 6s. or be flogged; that the witness had only 3s. which she gave him, but that it did not appease Mr. Hodge: that Prosper was flogged for upwards of an hour, receiving more than 100 lashes, and threatened by his master, that if he did not bring the remaining 3s. on the next day, the flogging should be repeated; that the next day he was tied to a tree, and flogged for such a length of time, with the thong of the whip doubled, that his head fell back, and that he could bawl no more.—From thence he was carried to the sick-house, and chained to two other negroes: that

he remained in this confinement during five days, at the end of which time his companions broke away, and thereby released him; that he was unable to abscond; that he went to the negro-houses and shut himself up; that he was found there dead, and in a state of putrefaction, some days afterwards; that crawlers were found in his wounds, and not a piece of black flesh was to be seen on the hinder part of his body where he had been flogged.

Stephen M'Keogh, a white man, who had lived as manager on Mr. Hodge's estate, deposed, that he saw the deceased, Prosper, after he had been so severely flogged; that he could put his finger in his side; he saw him some days before his death in a cruel state; he could not go near him for the blue flies. Mr. Hodge had told the witness, while he was in his employ, that if the work of the estate was not done, he was satisfied if he heard the whip.

This was the evidence against the prisoner. His counsel, in their attempt to impeach the veracity of the witnesses, called evidence as to his general character, which disclosed instances of still greater barbarity on the part of Mr. Hodge. Among other examples, the witness, Paren Georges, swore that he had occasioned the death of his cook, named Margaret, by pouring boiling water down her throat.

Before the jury retired, the prisoner addressed them as follows:—

“Gentlemen, as bad as I have been represented, or as bad as you may think me, I assure you, that I feel support in my affliction from entertaining a proper sense of religion. As all men are subject to wrong, I cannot but say that that principle is likewise inherent in me. I acknowledge myself guilty in regard to many of my slaves; but I call God to witness my innocence in respect to the murder of Prosper. I am sensible that the country thirsts for my blood, and I am ready to sacrifice it.”

The jury, after deliberation, brought in a verdict of Guilty.



There were six other indictments on similar charges against the prisoner.

After, as well as previous to, his condemnation, and to the last moment of his life, Mr. Hodge persisted in his innocence of the crime for which he was about to suffer. He acknowledged that he had been a cruel master (which, as he afterwards said, was all he meant in his admission to the jury, of his guilt in regard to others of his slaves); that he had repeatedly flogged his negroes; that they had then run away, when, by their own neglect, and the consequent exposure of their wounds, the death of some of them had possibly ensued. He denied all intentions of causing the death of any one, and pleaded the unruly and insubordinate disposition of his whole gang as the motive for his severity. These were the sentiments in which he died.

Governor Elliott sent to lord Liverpool the depositions of the witnesses who were examined on this trial. The deposition of Mr. Robertson states, that he has every reason to suspect Mr. Hodge of having murdered five of his slaves!

The governor then mentions the proceedings he had thought proper to adopt; gives an account of the trial and conviction of Mr. Hodge—the majority of the petit jury recommended him to mercy!! but none of the judges seconded the recommendation.

From the period of his condemnation to his execution, governor Elliott thought it expedient to proclaim martial law, and to embody the militia; no disturbance, however, took place. However, the governor added, that “the state of irritation, nay, I had almost said, of anarchy, in which I have found this colony, rendered the above measures indispensable for the preservation of tranquillity, and for insuring the due execution of the sentence against Arthur W. Hodge. Indeed, it is but too probable that without my presence, in a conjunction so replete with party animosity, unpleasant occurrences might have ensued.”

The execution of this ruffian will, we trust, be the commencement of a system of milder treatment towards

those unfortunate beings, denominated slaves, in the West Indies. The atrocities committed by that fellow on his slaves, present a melancholy picture of the state of manners prevalent amongst the West Indian planters, and shew how inhuman that practice was which allowed persons of their description to exercise an uncontrouled power over their fellow-creatures. The punishment of Hodge ought to be hailed as an expiatory sacrifice to insulted justice and humanity, which were more disregarded and trampled upon in our western settlements, than in the most savage parts of the globe.

### RICHARD VALENTINE THOMAS,

*Executed at the New Prison, in Horsemonger-Lane, the 3d September, 1810, for Forgery.*

RICHARD VALENTINE THOMAS was indicted for forging and uttering, knowing it to be forged, a check for the sum of 400*l.* 8*s.* on Messrs. Smith, Paine, and Smyth, of George-street, Mansion-house, purporting to be drawn by Messrs. Diffell and Son.

Mr. Bolland having stated the indictment, Mr. Gurney opened the case, by which it appeared that the prisoner, in the month of July 1810, being in the habit of frequenting the Surrey Theatre, in Blackfriars-road, and the Equestrian coffee-house contiguous to it, applied to a man of the name of Exton, who was waiter at the coffee-house, to go to Messrs. Smiths and Co. to get the banking book of Messrs. Diffell. This enabled him to ascertain the balance of money which Messrs. D. had in the hands of their banker. He then sent back the book by the same person, with a request to have a check-book, upon receiving which he filled up a check for 400*l.* 8*s.* and delivered it to Mr. Johnson, the box and house-keeper of the Surrey Theatre, with whom he appeared to be upon intimate terms; and, telling him he had some custom and excise duties to pay, requested him to get

payment for the check in notes of 10*l.* and 20*l.* The check was drawn accordingly "pay duties or bearer," &c. Johnson went to Messrs. Smiths, but as they could not pay him as he wished, he received from them two notes of 200*l.* each, which he immediately took to the Bank, and exchanged for the notes the prisoner had desired him to get. The forgery being soon detected, the prisoner was taken into custody in company with a woman, with whom he cohabited. Upon searching her a 20*l.* note was found, which was identified by a clerk of the Bank, as having been given to Johnson in exchange for the two notes of 200*l.* The prisoner and his companion were locked up in separate rooms; and, upon the woman being asked where she got the note of 20*l.* and saying the prisoner gave it her, he, being within hearing, immediately called out, "No, you got it from a gentleman." Before they were removed from these rooms, the officers searched a privy communicating with the room in which the woman was confined, and found fragments of notes of 10*l.* and 20*l.* to the amount of 360*l.* and upon several of the pieces were the dates corresponding with the entry of the clerk of the Bank. In addition to this, Mrs. Johnson, the mistress of the Equestrian coffee-house, produced a 20*l.* note, which she had received from the prisoner on the same day the check was presented, and which made up the whole 400*l.*

The fact of the forgery being established by Mr. Diffel, who had for that purpose been released by Messrs. Smith and Co. the jury, without hesitation, returned their verdict Guilty—Death.

The prisoner was a young man of very genteel appearance; and died a penitent.

## RICHARD ARMITAGE AND C. THOMAS,

(CLERKS IN THE BANK OF ENGLAND,)

*Executed before Newgate, the 24th June, 1811, for Forgery.*

**FORGERY**, from the increasing number of instances the farther we proceed in our work, is manifestly a crime which increases with the certainty of punishment. Murderers, if ought of palliation can be offered for the frailty of human nature, may indulge a distant hope of the extension of the royal mercy. Forgery is now never pardoned, a determination on the part of the crown, laid down in the cases of the Perreaus and of Doctor Dodd, whom no interest could save from an ignominious death. Thus excluded from all hope of pardon, it is daily becoming more common; and the alteration in the law, from the pillory and corporal punishment to death, has no terrifying influence. The ancient punishment for this crime we find thus minutely described in a London periodical publication for the year 1731:

“June 9th. This day, about noon, Japhet Crook, alias St. Peter Stranger, was brought to the pillory at Charing Cross, according to his sentence, for forgery. He stood an hour thereon; after which a chair was set on the pillory; and he being put therein, the hangman with a sort of pruning knife cut off both his ears, and immediately a surgeon clapt a styptic thereon. Then the executioner, with a pair of scissars, cut his left nostril twice before it was quite through, and afterwards cut through the right nostril at once. He bore all this with great patience; but when, in pursuance of his sentence, his right nostril was seared with a red hot iron, he was in such violent pain that his left nostril was let alone, and he went from the pillory bleeding. He was conveyed from thence to the King’s Bench Prison, there to remain for life. He died in confinement about three years after.”

The crime for which Armitage and Thomas so very justly suffered, was of the very worst description of for-

gery—a scandalous breach of public trust—a robbery upon the very corporation they were bound to protect from the nefarious attempts of others. Like Astlet, their former head of department, they long had practised impositions on the Bank of England unsuspected; and in the mean time maintained the shew of integrity. Astlet was detected by Bish the lottery office keeper, wherein he performed a public service—Armitage and Thomas by Robert Roberts, the notorious swindler, to save the halter's noose being affixed round his own neck.

The circumstances which led to the detection more excited public interest than the frauds of Walsh and Hunt, two members of the house of commons,—more than Chinnery's flight or Davison's incarceration—for who can bring back to mind any public act of delinquency that more excited the astonishment of the individual, or alarmed the mercantile interest of the country, than the result of this Roberts's escape from that strong and dread prison, the house of correction, Coldbath-fields.\* Hence the history of the accomplice in this case becomes more interesting, than any other particulars which can be brought forward respecting the sufferers.

\* An extraordinary escape was accomplished, in 1716, by a highwayman named Goodman, who had been apprehended with great exertion and difficulty, brought to trial at the Old Bailey, where the jury pronounced him guilty; but the instant the verdict was given, he sprang over the enclosure, and eluded every endeavour to arrest his progress. Such was the daring folly of this man, that he frequently appeared in public; and, presuming on his supposed security, actually went to Mackerel's Quaker coffee house, in Bartlet's buildings, for the purpose of procuring the arrest of a carrier, to whom he had intrusted 50*l.* to be conveyed to his wife in the country; and who, supposing Goodman would be hanged, had converted it to his own use: there he met an attorney by appointment, and stationed four desperadoes at the door, armed with pistols, in order to repel any attempt at seizing him. The attorney, aware of his precaution, listened to the case of the carrier, and studiously avoided betraying him; but the instant Goodman departed, he declared who his client was, upon which several persons watched the wretch to his place of concealment, where they attacked him, and he them, with the utmost resolution; after a severe conflict, in which the assailants were compelled to bruise him dreadfully, he was secured; but, throwing himself down in the streets, they were at last compelled to bind and carry him in a cart to prison: he was hanged not long after.

Robert Roberts, no otherwise allied to Edward William Roberts, already named, than, as the French would say, *chevaliers d'industrie contemporain*, a term somewhat synonymous to our appellation of *contemporary arrant swindlers*; he was, we say no otherwise of kin, but he soared to higher objects, as we shall have occasion to shew hereafter.

“Robert Roberts,” say the London newspapers of the day, “who has made his escape from Coldbath-fields prison, is one of the most expert swindlers of the present day. He must have made a large sum by personating Earl Percy, for it does not appear that he returned all the money he obtained by that fraudulent transaction; he also stands charged with committing forgeries to a large amount, and consequently has sufficient means to facilitate his escape out of the country, if unfortunately he should not be speedily arrested.”

Towards the latter end of August, 1810, Robert Roberts was apprehended on suspicion of being concerned in the many forgeries which for some time had been practised on the Bank of England and the commercial part of the metropolis. He was brought to one of the public offices, and from thence remanded to the house of correction in Coldbath-fields. In a few days, in company with another prisoner of the name of Harper, he effected his escape, and the public were surprised at seeing large printed sheets of paper, pasted on the walls of the city, announcing this extraordinary circumstance, and offering a large reward for their apprehension, but particularly for the discovery of Roberts, the other belonging merely to the gangs of smaller rogues.

Mean time strict enquiry was made into the manner of this singular escape. The prison was searched, and Aris the gaoler\*, or governor, as such fellows stile them-

\* This is the identical gaoler who prosecuted a reputable tradesman in the Strand, for defamation of his character; and a jury actually gave him large damages! This was not the heaviest punishment which awaited the convicted; as will be seen by the following obituary of September, 1808.

selves, and his sons acting as turnkeys, were brought before a bench of Middlesex magistrates, on the 31st Aug. 1810, on a charge of conniving thereat. Mr. Churchill in the chair.

Mr. Aris, senior, his four sons, and the whole of the servants of the prison, were closely examined. It appeared that the two prisoners, Roberts and Harper, were not supposed to know each other, and that the whole of the gates, leading from the confinement of Roberts, six in number, were found open in the morning, they having been made fast at locking-up-time, on the preceding night. The prisoners then made their escape over the wall, by ascending a new lodge in the prison, not then finished, and when at the top of the wall they were supposed to have let themselves down by a rope, as a hook was found in the morning by Daniel Aris, the gaoler's son.

The most important witness was a youth of the name of Mac Namara, who stated some conversation which he had overheard betwixt Daniel Aris and Robert Roberts. This youth was an evidence against a party of burglars, and his testimony relative to this affair, with other circumstances of corroboration tending to implicate D. Aris with having been privy to the escape of the prisoners, induced the magistrates to commit him to New Prison for trial, for aiding and abetting in such escape.

It turned out that Roberts had been indulged with walking in the garden of the prison, after he had been locked up in the evening, as usual, at the same time as the other prisoners. Neither of the watchmen could give any satisfactory account of the business.

DIED, 24th SEPTEMBER, 1808,

On Saturday morning, Mr. Dickie, late stationer in the Strand, who has been confined nearly five years in the Fleet prison, in consequence of a verdict given against him for 700*l.* damages, for uttering defamatory words against Mr. Aris, the governor of Coldbath-fields prison. He has left a distressed widow and four children still to lament his unfortunate offence and unhappy death.

The investigation closed with the suspending of Aris, the gaol-keeper, the committal of Daniel Aris, his son, for felony, and the dismissal of another of Aris's sons, who was a turnkey.

Mr. Newport, from New Prison, Clerkenwell, was appointed successor to Daniel Aris, at the Coldbath-fields Prison.

The youth who gave evidence against Daniel Aris was committed to Tothill-fields Bridewell, and to be kept private.

No clue had then been had of Roberts or Harper.—The evidence against Roberts, relative to the forgery upon the Bank was quite conclusive, and a woman he co-habited with was admitted an evidence.

On a second examination of Mr. Aris, sen. he stated that he was ignorant of an opinion having prevailed in the prison, previous to the enquiry, that the two prisoners had been assisted in their escape. It however turned out, on the examination of Mr. Hassell, the prison clerk, that he had acquainted him that such an opinion did prevail, and consequently Mr. Aris, sen. examined Daniel Aris, and the boy M'Namara, on whose testimony D. Aris was committed. On one of the turnkeys finding all the gates open, M'Namara informed him of the conversation D. Aris had with Roberts on the preceding night, and the turnkey informed Mr. Hassell, the clerk, who communicated it to Aris, the governor, and which led to the examination.

Mr. Mainwaring upbraided Aris, sen. at the time for such a shameful denial of a fact which he must have remembered; and the latter observed, he had never done an act in his life of which he was ashamed, when Mr. Kay, the Bank solicitor, expressed his belief that Aris never did feel shame.

The conduct of Daniel Aris was highly indecorous before the committee, and he was reprimanded by Mr. Nares, the magistrate. D. Aris is an amateur of boxing, of considerable note, as a setter-to, and he amused himself by biting his lip, and alternately boxing the palm of his hand with his fist. The offence for which he was



committed is capital, and he was ordered to be ironed. Daniel Aris's salary, as principal turnkey in that part of the prison where Roberts was confined, was 1*l.* 16*s.* per week. There were only two of the governor's sons, and a son-in-law, who married his daughter, employed in the prison.

On the 7th September, Daniel Aris was brought up to the Public-office in Marlborough-street, and underwent another examination before N. Conant, Esq. Mr. Mellish, the member for Middlesex, and some other magistrates. The depositions of this intricate business were read over, and as they cannot fail to be of great public interest, we have given a faithful abstract.

Michael Mac Namara, a youth about seventeen, who was a prisoner in that part where Robert Roberts was confined, stated, that after breakfast, on the 27th August, Roberts was walking in the garden with Daniel Aris, and also in the passage of the prison for some time. Aris offered to bet a bottle of wine that a bell would ring in the prison within a quarter of an hour, and Roberts took the bet. Winsell, one of the turnkeys, locked up on Monday, the 27th, after this betting between D. Aris, and Roberts, and the witness was awoke out of his sleep by talking in the passage, near Roberts's cell. He had previously heard the following conversation between D. Aris and Roberts. The former said, "Roberts!" calling him gently, and the other answered. Aris then said, "Be sure to be awake at my hollo!" Roberts replied, he would be careful of that, and continued—"Be sure to come, for you know what risk I shall run if you do not." D. Aris replied, "Never fear me, you know I always stick to what I say." Witness was awoke some time afterwards, and he heard D. Aris's voice again in the passage; soon after which the clock struck one, which was supposed to have been about the time of the escape. On the turnkey finding the gates open in the morning, he observed, there would be a precious row; and witness informed him it was his young master who had left them open. An investigation of what witness had said took place before governor Aris in the presence of the pri

soner, and the latter said it was a d—d lie, and locked witness up in the gallery for so challenging him.—D. Aris charged witness with having been put up to the false accusation by the Frenchman (meaning one of the prisoners.) Governor Aris wished Roberts good night, when he was locked up, and witness had never seen him at the cells at locking-up time before.

The prisoner did not put any question to witness.

— Amos, who married one of Mr. Aris's daughters, stated, that the governor frequently went round to lock up with him, but he often omitted to do so. The witness had some conversation with D. Aris, relative to what Mac Namara had said, and he denied it with warmth. D. Aris had the particular care of that part of the prison in which Roberts was locked up. The gates, through which the two prisoners escaped, must have been unlocked by one of them, but with respect to the outer gate, a man of the name of Russel alone kept the key. D. Aris slept in the governor's house, and he had the means of taking the prisoners through the house, if he thought proper. Daniel Aris used to walk in the garden with Roberts, and he was a good deal with him. Witness had told him he paid too great respect to Roberts, which was the observation of others, as he always staid a long while with him when he had occasion to carry any thing to him. There was no other prisoner permitted the indulgence of walking in the garden but Roberts, and the governor knew of these favours.

Samuel Winsell, a turnkey under D. Aris, in that part of the prison where Roberts was confined, deposed, that he assisted in locking up on the evening of the 27th August, and that the governor and D. Aris were present: and after Roberts had been shut in the governor tapped at the door, and wished him good night. Witness found all the gates of the passage open in the morning, and he questioned the youth, M'Namara, to tell if he knew who had been there, and he observed there would be a precious row. M'Namara informed Winsell that his young master, D. Aris, had been there, as he had heard him in the night. Witness gave information to Mr. Hassell,

the clerk, and communicated with the boy, what Mac Namara had informed him, which led to an examination before the governor. In some conversation witness had with D. Aris, the latter said M'Namara had been brawling to his father.

Mr. Hassell, the prison clerk, stated, that Roberts was brought in custody to the prison on the 15th of August, and he escaped on the 27th. Witness had been informed by Paull, one of the watchmen, that the swell (meaning Roberts) had asked him to sit up with him to pass away some tedious hours. He said that D. Aris had sat up with him; but witness cautioned the turnkey not to do so, whatever Daniel Aris might think proper to do. Governor Aris frequently conversed with Roberts, and he went out in his (Roberts's) chaise on the 18th August. Paull, the watchman, had stated to witness that it was not of much use to lock up the prisoners when the turnkeys were going backward and forward through the gates after such locking up. All the Aris's had keys, and there were two brothers of Daniel Aris on the books, Thomas and Charles, the latter of whom had 23 shillings a week, but had done no duty in the prison for two years.

These were the only depositions at Marlborough-street office, but there were four other persons prisoners in Coldbath-fields, who gave evidence before the committee; but their testimony went only in corroboration of the intimacy which subsisted between the Aris's and Roberts.

The magistrate informed the prisoner, that his duty was to commit him for feloniously aiding and abetting in the escape of Roberts and Harper, and he directed a committal to be made out accordingly.

Mr. Harman, the prisoner's solicitor, suggested to the magistrate, that, in order to shew the innocence of his client, Harper should be found; and the effectual way to do that would be to get a pardon from the secretary of state's office, and to that the prisoner's friends would offer a reward.

The magistrate declined any such interference.

Mr. Harman then questioned the propriety of a committal for felony under all the circumstances of the case; but if the magistrate so decreed it, he would solicit for bail.

Mr. Connant observed, that there had been such supineness in the conduct of Aris, the gaoler, and his sons, that no step had been taken by them to search after the prisoners, as was their duty. His escape was a felony in a keeper, and the law presumed on his innocence, by his subsequent conduct in endeavouring to trace the man.

The magistrate gave Mr. Harman the choice of having his client tried in the October sessions, instead of the sessions ensuing, when there would be time for seeking Harper; but an early trial was requested.

The prisoner was committed for trial.

During these long examinations, and notwithstanding a large reward was offered for his apprehension, Roberts evaded the strict search of justice. It was known that he had carried off a considerable sum of money; his proportion of the success of the forgeries wherein he was implicated, and for which the unfortunate subjects of this case, only suffered. At length he was identified at a tavern on the Surrey side of Westminster-bridge, where he had taken up his lodgings as a private country gentleman detained in town on his own concerns.

The remaining part of this singular case is short. Roberts, to save his own life, impeached Armitage and Thomas, two clerks filling places of great trust in the Bank of England, as the immediate agents of the many forgeries which had been of late committed on that corporation; and he was admitted evidence against them on the part of the crown.

Richard Armitage was first apprehended. He was brought to the public office in Marlborough-street, on the 8th of April, 1810; and, after a short examination, was committed to the New Prison for trial, at the next Old Bailey sessions. Among the witnesses bound over to give evidence against him was, Mrs. Roberts, the mis-

tress of his base accuser. His forgeries of dividend warrants were to the amount of 2,400*l.*

On the 2nd of May following, C. Thomas was apprehended and brought to the same office on a charge of having forged several dividend warrants; and, after three separate examinations, was also committed for trial.

The prisoner was a Bank clerk in the Imperial Annuity office, and the warrants forged were to obtain the dividends of a person who had been dead about three years, and whose executors had not applied for his property. It appeared that 360*l.* had been paid out of the Bank, and the prisoner's name was signed as an attesting witness. It was also proved, that Bank-notes, with which the dividends were paid, were found in the prisoner's possession. Under these circumstances the prisoner was fully committed for trial. This is one of the cases disclosed by Roberts.

Armitage was fully committed, and Roberts and his wife were the principal witnesses against him.

The trials of these unfortunate men were unattended by any other circumstance worth noticing farther, than independent of the evidence of Roberts and his wife which, unsupported would have received little credit, full proof was adduced of their guilt:—they were consequently found guilty, and received sentence of death.

On the 24th of June, 1811, Richard Armitage and C. Thomas, late clerks in the Bank, were executed in the Old Bailey, pursuant to their sentence, for repeated forgeries on that corporation. The former, from severe illness, was under the necessity of being supported by a friend while ascending, and during his continuance on the scaffold. He was attended by a clergyman, to whose pious admonitions he appeared to pay becoming attention. The latter, being a catholic, was attended by a priest of that persuasion, and conducted himself with fortitude.

## CARDIFF SUMMER ASSIZES, 1811.

A GENTLEMAN of opulence, and a magistrate, addressed a letter to one of the judges, in which his object was, not only to accuse a culprit (committed for manslaughter upon a coroner's inquest), of a deliberate and savage murder, but also, upon the evidence of assertion alone, to inflame the judicial mind of his correspondent against that prisoner, by persuading the judge beforehand, that unless the accused should be cut off by the law, not a life near him, or within his reach, could be safe. He represented this man as a conspirator in a desperate clan of miscreants, who were men of sanguinary habits and passions.

He told the judge, that all the witnesses who were to be heard were partial to the accused, and would suppress the facts they knew, unless his lordship would make them speak out; and he desired him to keep the secret of these hints, for which he gave this reason, "that every thing valuable to him was at stake in withholding from this clan a knowledge of the part he took against them."

When the judge had read this letter, which he received in court, the bar and grand jury attending, he told them a letter had been just put into his hand, and he named the writer of it; he added, that circumstances of peculiar delicacy respecting the subject of that letter imposed upon his feelings the painful necessity of deferring to publish the contents till the gaol had been delivered; but that he should then direct his principal officer to read it aloud, and should pass a marked and public censure upon it, after delivering which, he should command the deposit of the letter upon the files of the court, for safe custody, accompanied by a note of its doom, that if the writer chose to appear he would be in time, and would be heard. When the man accused of the manslaughter had been tried, and had received the sentence of imprisonment for three months, he was remanded. The writer of the letter did not appear, and the judge delivered himself

nearly as follows, to a numerous audience. We give the substance without professing to give the words :—

“ You have heard this letter, and your looks were eloquent.—They reprobated this tampering and cruel artifice.

“ A magistrate of the county, at whose mercy in some degree are the lives and liberties of men, writes to me for the single purpose of insinuating and whispering away a man’s life, by undue influence upon the judgment or the feelings of his correspondent.

“ His object is to invert the habit and principle of a judicial trust, which is that of being counsel for the prisoners, into the new and sanguinary department of a suborned advocate against them. His letter prompts me to goad the witnesses into evidence more hostile to the culprit, than it was their intention to give—advice to me, insinuated behind the back of the accused, and just before his trial, upon evidence of assertion alone, and that assertion unduly and secretly made.

“ But what heightens the depravity of this insult upon the court, is the confidence proposed and claimed.

“ My God!” said the judge, “ is it in 1811, that any man breathing, a subject of this realm, could think a judge base enough to be an accomplice in this fraud upon the sacred honour of his covenant upon oath ; of his dignified indifference to parties ; and, above all, of his presumptions, which are those of the law, that up to the moment of conviction, by authentic and sworn proof, the accused are innocent ?

“ What can be said for the writer ?

“ Even to him I would be merciful. Is it an error of judgment ? Is it ignorance ? But can we forget that he is a *magistrate*, and that he is a *man* ? Shall a magistrate be indemnified, or dismissed with a gentle rebuke, who is ignorant of the judicial honour imposed upon him by his peculiar office ? Is he a *man*, so unenlightened, as to be unapprised of those feelings, which tell every honourable mind, that no man is to be condemned unheard, and whispered out of the world, by a secret, between his accuser and his judge ?

“As a memorial to after ages, of the disgrace inseparable from attempts like these, I direct the officer to file this letter upon the records of the court, accompanied by a note of the fact, that it was read aloud in open court, and severely censured by the judge to whom it was addressed.”

The other judge assenting, it was made a rule of court.

## RICHARD ANDREWS & ALEXANDER HALL,

*Convicted the 24th September, 1811, at Hicks's Hall, on two Indictments; on the first imprisoned, and on the other transported for seven years.*

WE have already detailed the nefarious exploits of some modern swindlers. Andrews was another of the same pursuits, but of a much bolder nature; for while the former contented themselves with their depredations on whoever came in their way, the latter was dashing at seats in the house of commons.

Andrews had been long a depredator upon the public; but his first public examination of any moment was at the bar of the police-office, in Queen-square, Westminster, on the 31st March, 1807; when colonel Davison (not of St. James's-square) stated, that he became acquainted with the prisoner in the King's Bench. It was very material for the colonel to get a seat in parliament; and, as the prisoner had often represented himself as intimately connected with some of the first characters in the country, the colonel disclosed his affairs to him, who undertook to forward his intention. He described himself as the intimate acquaintance of the earl of Besborough, lord Fitzwilliam, R. Spencer, Esq. from whom he received contributions while in prison. After the colonel had left the Bench, he frequently relieved him with pecuniary trifles, till he was liberated by the insolvent act; and he then carried his pretensions to the extreme, by



observing that he had been offered a seat in parliament by earl Fitzwilliam, but it would ill become him to accept it, having been so recently liberated; and he could, by the interest of the earl of Besborough, have the honour conferred on the colonel, as it was by the interest of that earl that lord Fitzwilliam's promise was to be realized. The colonel went to dine with B. Goldsmid, Esq. at Roehampton, and the prisoner accompanied him in his carriage to the earl of Besborough's house at the same place; but the earl was from home. He saw the prisoner again in a day or two, when he informed him that he had conversed with the earl of Besborough, on the subject of a seat in parliament, and the earl jocosely remarked, "I should conceive you to be a Don Quixotte, to want a seat, after taking the benefit of the insolvent act." The conversation then became more serious: and the colonel, as his friend, was to have the seat promised by earl Fitzwilliam. The prisoner went on to state, that he was connected with the noble earl, who had four boroughs in Ireland, and who would dispose of them at 4000*l.* each; and if the colonel should have other friends to accommodate, he might have the preference, as the noble earl had authorized him to find candidates. The colonel found candidates for all the boroughs the prisoner had talked of, and by his desire the money was deposited in the hands of a banker. The candidates, when they became members, were to retain their seats for five years, in case of a dissolution of parliament. The colonel here observed, that he had such full confidence in the prisoner, as by his artifices to have been led away in a manner that made him look more like an accomplice than a dupe. He had been so deceived by the plausible pretences, and the solemnity of the prisoner's conduct, that his mind was tranquillized; thus he had obtained of him (the colonel) and his friends, by his recommendation, 4000*l.* he having got 2000*l.* in two payments, as he said for the earl of Besborough, as part of the consideration for the boroughs in Ireland. The other money consisted in relieving the temporary embarrassments of the prisoner, and accepting his bills. The colonel had accepted bills

for a carriage, which the prisoner had made in Poland-street, also for his stud, &c. besides those of different tradespeople. The colonel, having at length entertained some suspicions of the prisoner, waited on the earl of Besborough, when he found his suspicions realized.

The earl of Besborough stated, that he knew no more of the prisoner than having received letters from him while in prison, asking relief, which he granted to him in trifles. He knew nothing of what he had related respecting the boroughs; and the other noblemen who had been talked of knew no more of the prisoner than having afforded relief to his distresses.

A gentleman, who had agreed to purchase one of the boroughs, proved, that he had paid the prisoner 400*l.* as part of the consideration, and had been completely misled.

The prisoner was committed for re-examination.

He formerly kept his carriage and a dashing equipage in Half-Moon-street, Piccadilly; but he was apprehended in an obscure lodging in Westminster.

In a few days, Andrews was again brought to the same office for a farther examination. On this occasion the principal evidence against him was Mr. Harris, an aged gentleman, a surgeon and man midwife in the Strand, whose ruin had been the consequence of the conduct of the prisoner.

It appeared by the statement of this gentleman, that he accidentally met with a lady, (who turned out to be the wife of the prisoner,) in 1800. It being late at night he offered to see the lady home, and he did so to Edward-street, Cavendish-square. The prisoner expressed his warmest acknowledgments for the trouble Mr. Harris had taken, and invited him to dine, &c. at his table.

A mutual intimacy now subsisted between the parties, and Mr. Harris attended professionally at the *accouchment* of Mrs. Andrews, in February 1801. In April the prisoner took apartments at the house of Mr. Harris, and remained there above 12 months; but never paid board or lodging. The prisoner kept his carriage at the time. He used to represent himself as a man of fortune and

the brother of the person who was the proprietor of the *Dartford powder-mills*. *Mr. Harris* was employed by the prisoner to inspect jesuit barks, opium, &c. which he (the prisoner) used to purchase in considerable quantities. The complainant, on a certain day in April, 1801, supped with the prisoner and others; and, after having drank freely, and reduced himself to a state of stupefaction, the party retired, and shortly after returned with a bundle of papers, which he signed, as a witness, without knowing what they were. The complainant stated, that he believed opium had been mixed with his wine, for he felt himself very ill the next day.—*Mr. Harris* had not signed these papers many days, when he was arrested at the suit of *Mr. Barron*, druggist, in the Strand, though unconscious of having contracted a debt with that gentleman; but the business was settled by the attorney, whilst *Mr. Harris* was in a lock-up-house. He was released and returned to his house, which was then in Theobalds-road. He used to ride with the prisoner in his carriage, and on a certain day, when at the foot of Westminster-bridge, the prisoner alighted, and observed that he was going for a gentleman; and he, in a few minutes, brought a sheriff's officer, who served a writ on the complainant, who knew of no debt he owed, and he was hurried away in the carriage to the King's Bench prison, where he remained until October 1804, when he was cleared by the insolvent act. He could get no redress for this cruel treatment, and he reflected with horror on the conduct of *Andrews*, who called on him again after his release-ment. At this time a cupboard-door was standing open in *Mr. Harris's* house, and the prisoner reached a box from off a shelf, and rattled it. The complainant was at this moment sent for into his shop; and the prisoner went up stairs with the box, which contained plate to the amount of 200*l.* The complainant returned and followed the prisoner up stairs; but he had gone off with the box and plate. *Mr. Harris* saw the prisoner again in the evening, when he said that he had made a temporary use of the plate, to save himself from being arrested, and he would return it in a day or two, but he ultimately

absconded. The plate was the property of a West India merchant, who had married the daughter of Mr. Harris, and it was left in his possession for safety, whilst the merchant was gone abroad.

Another charge was exhibited against the prisoner by a young man, in whose mother's house the prisoner lodged in 1797. He had obtained 21*l.* of the woman, which was chiefly expended in clothing a woman with whom he had cohabited. The prisoner had given the young man two letters to take to the duke of Devonshire and earl Spencer, which were, according to his account, recommendations for the father of the youth to get a comfortable place; but whilst he was gone the prisoner decamped from the house. The young man had seen the prisoner with sir Watkin Lewes, who had informed him he would pay the debt; but he (the witness) had very recently seen sir Watkin, who said he had also a charge to institute against the prisoner.

William Brown, late coachman to the prisoner, appeared in his old master's livery, blue and silver lace, to answer interrogatories respecting goods which had been obtained by the prisoner from Mr. Asser, chinaman; but Mr. Asser was not present, and the testimony was of no avail.

The magistrate informed the prisoner, that his situation wore a serious aspect, for he stood charged with felony. The prisoner observed, that he had been advised to say nothing until he came before a jury; but he had feelings which, irritated by an abominable conspiracy, compelled him to speak. He then entered into a long vindication of his conduct in a firm manner, and protested his innocence. He also begged of the persons present to suspend their judgment till the hour of trial. The magistrate replied, that it was astonishing the prisoner should make solemn asseverations of his innocence, when it was palpable, that without fortune or any visible means of obtaining support, he had been enabled to keep a carriage and sumptuous equipage—that there had been a multiplicity of persons at the office to substantiate charges against him; and he (the magistrate,) consi-

dered it the duty of his official situation to remand the prisoner, for the further investigation of his conduct. He was therefore remanded accordingly.

On the 10th of April following, Andrews underwent a fourth examination. The first witness called was Mrs. Harris, the wife of the merchant who had lost his plate, and the daughter of Harris, from whose house it was said to have been stolen. This lady corroborated what had been advanced by Mr. Young, who redeemed the plate.

Mr. Brown, who resides in the neighbourhood of Bedford-square, stated, that he lived on an independent property, and first became acquainted with the prisoner in the King's Bench, a few months since. He (Mr. B.) was discharged by the Insolvent act as well as the prisoner, and about the same time; they had become the most intimate friends: and Mr. Andrews, after his release, lived in Great Russel-street, Bloomsbury, where he kept his chariot and a livery servant, which was afterwards replaced by a family coach and two livery-servants. Mr. Andrews had given this witness to understand that he was on the eye of coming to an unlimited fortune, as the heir of bishop Andrews; and Mr. Brown and his lady used frequently to dine with the prisoner, as did he and his lady with them. At Mr. Andrews's dinner party, colonel Davison, Maltby, M'Cullum, and others, used to be present; but these persons were never invited to Mr. Brown's table. In a conversation between a Mrs. Roberts, who used to dine at the prisoner's table, that lady, in the presence of Mrs. Brown, felt herself surprised at seeing Mrs. Andrews pay some tradesmen's bills, and publicly deprecated so mistaken an idea! This witness had subscribed four hundred pounds to Mr. Andrews's system of finance, besides having done him some little favours while he was in the King's Bench. He had also some bills of colonel Davison's acceptance, which were not yet due. Mr. Brown had also received a letter from the prisoner, addressed to the earl of Besborough, which was to procure him (Mr. B.) a place of four or five hundred a year under government, which he delivered to

the earl. Mr. Brown had received this mark of kindness from the prisoner, after he had lent him four hundred pounds; and he needed no promise for that advance, for Mr. Andrews, by his open conduct, had completely got the better of his purse, which he felt no hesitation in opening to him.

A poor man of the name of Newcombe, at whose house the prisoner lodged, lost 25*l.* by him, by paying chandlers shop and other little scores, and gave a very singular description of the prisoner's conduct. He acted the part of an embarrassed gentleman, and one day read a printed speech, which he said he made from the hustings at Ipswich, when he was a candidate for the representation of that borough in Parliament.

Andrews complained of the unfair conduct of the magistrate during the enquiry, and again denied ever having had an intention of injuring any one. A committee, he said, sat daily at fishmonger's hall, to carry on this foul conspiracy against him; and, however his feelings might be tortured by being made a ridicule in that office, a jury would convince the world of his innocence. The prisoner was again remanded for another examination.

Again he was brought up, and fresh charges exhibited against him; but so artfully had he gone about the commission of the different frauds, that he evaded the full punishment due to his crimes, for near five years, though during that long period he lived, to use an old saying, "by his wits." But justice, though sometimes tardy, will surely at length overtake the most artful and hardened offender. Andrews, after this long course of infamy—he who had duped nobles, and deceived men of all ranks, was at length caught in swindling a tavern-keeper out of a dinner!

He was at length committed, upon seven different charges, to take his trial. It appeared in the course of his different examinations that he committed depredations on all ranks, from the rich and fashionable down to a poor washer-woman, in whose house, when closely pursued, he took lodgings, borrowed money of her, and even

defrauded her of the articles that she received in the way of her occupation.

At the Quarter Sessions for the county of Middlesex, on Tuesday, September the 24th, 1811, Richard Andrews and Alexander Hall were put to the bar, charged upon an indictment with defrauding Isaac Kendall, by means of certain false pretences, of the sum of 13*l.* 5*s.* against the form of the statute in that case made and provided.

When the indictment was about to be read, and the prisoners called upon to plead, Andrews addressed the court, and repeated his application to have the trial postponed, being quite unable, for the want of pecuniary assistance, to have the professional aid of those who were competent to support him on so severe an occasion. He said also, that the want of money prevented him from procuring the necessary witnesses, whose evidence could alone prove his innocence, and convince the world that he was not the man whom newspaper report had so branded. For there was not a journal published in the nation that did not impose upon him an assumed characteristic. In some he was called "Parson Andrews," in others "Captain Andrews;" many had the good-nature to dub him "Doctor Andrews;" but they all agreed in one point, namely, that of giving him every name but that which belonged to him. He called God to witness, that in the whole course of his life he never arrogated to himself any characteristic that did not belong to him, or assume any other description than that of plain "Richard Andrews." Yet he was persecuted beyond example. He entreated of the court, he supplicated the bench, that he might be allowed a month to prepare himself. That he might have the benefit of counsel, and be provided with the necessary instructions for his counsel, as he was convinced, if that indulgence should be allowed to him, that he would make his innocence, as far as the intent of wronging the prosecutor, perfectly manifest; at present he could neither obtain the support of witnesses and proofs, the assistance of solicitor, nor the aid of counsel. He submitted to the court, that the

prosecutor had two indictments for the one offence against him, and he begged to know upon which of them he intended to try him, as he understood that he had preferred another bill against him.

Mr. Alley, for the prosecution, here interfered, and observed, that the defendant well knew, that although there were two indictments, that yet there was but one charge, and that was a charge for an offence committed so far back as the 12th February last, and therefore he could not complain of surprise; and as to the fact of preferring another bill, in point of substantial truth it was no such thing. It was no more nor no less than merely amending a clerical error in the first bill—the introduction of a single word instead of another. Therefore the defendant had not to take this for a bill of the present sessions.

Several observations were made by Andrews, and the counsel for the prosecution severally replied to them.

At length Mr. Mainwaring stated the sentiments of the court, the substance whereof was, that although they were disposed to give every reasonable and humane assistance that they could to all persons in the predicament of the prisoner, yet that they actually did not perceive that satisfactory grounds were adduced for postponing this trial any longer. The circumstance of deficiency of pecuniary means was not a reason why the public justice of the country was to be delayed; but the prisoner, as in such cases, would find counsel in the court themselves—the judges would be his counsel, as in humanity they ought.

The trial then proceeded. Mr. Alley stated the case, that it was an indictment under the 30th of Geo. III. commonly called, “the swindling act,” and after expatiating on the enormity of offences, such as the prisoner was accused of, proceeded to call his witnesses.

Isaac Kendall stated himself to be the proprietor of the coffee-house situated in St. Clement's church-yard. He said, that on the 12th of February last, the two prisoners, Andrews and Hall, came to his house, and ordered dinner.



Mr. Kendall continued—"The coffee-room was very full, and I was busy attending the company. Before they finished their dinner they called for a bottle of wine. There was another gentleman in the coffee-room who spoke to Mr. Hall. This gentleman was invited to join them after dinner.

Q. By Mr. Alley—Is not the person you speak of a most respectable man; do you not know him very well?

A. Beyond a doubt.

Kendall—"After dinner they called to me and asked for their bill; I made it out, it amounted to *1l. 7s. 6d.* They offered me a check on Drummond and Co."

Q. By the Chairman.—Who do you mean by they?—

A. Hall offered me the check; on looking at it I saw an informality, and would not take it. I then returned it to Hall; Andrews said he would draw another, and they begged pardon for the mistake; the check had thirteen on it instead of thirteen pounds; I saw Andrews draw another for *13l. 5s.*

Q. By the Chairman—Was the first check in the name of Andrews though offered by Hall?—A. Yes.

Q. Did you see Andrews draw it?—A. I was rather busy at the moment, but he called for pen and ink, and he had a book of checks by his side. The draft was for *13l. 5s.* on Drummond and Co. While Andrews was doing something with it, I took Hall aside, and asked him "was all right?" he answered, "O! yes! my dear fellow, don't be afraid;" and speaking of Andrews, he said, "He was a rich uncle of his, who had been very kind to him on various occasions, and that I need not fear." The opinion I formerly entertained of Hall was so high that I would have given him *40l.* instead of the balance of the draft, had he asked it.

Q. Was any thing said to the gentleman who had joined the prisoners' company, about going to the theatre?—A. It was agreed that he should accompany them there; they did not go out together. It was proposed by them (the prisoners) to dine at my house on the Wednesday or Thursday following, when they would bring a party of friends, and the gentleman was also invited. When

the prisoners left the house, the gentleman stopped at the bar to enquire whether the dinner would be on the Wednesday or Thursday. In the mean time they went away; I went to the door along with the gentleman, but they were gone. We looked both to the right and left, but they were not to be seen. I then suspected something was wrong. I sent my son next morning to Drummond's, but there were no effects to pay the draft. In a day or two after, I went, accompanied by my son, to the bankers; but it was useless, the draft has never been paid.

Mr. Heald, from the house of Messrs. Drummond, proved, that Andrews had not, at the time of the drawing the said draft, any cash whatsoever in their hands; that the last money which lay in their hands, belonging to him, was *3s. 6d.* which was paid to his messenger three years ago; but he admitted that there was a cash account with the prisoner Andrews, in their house, and that, within three years previous to the year 1808, his account exceeded 6000*l.* It was, however, all drawn out in January, 1808.

The prosecution on the part of the crown being finished, the prisoners were called on their defence, when Andrews asked a few questions of Mr. Kendall and Mr. Heald, and then addressed the court, admitting that he drew the draft, and that the money was given to his unfortunate friend, the other prisoner; but he submitted, that as he had kept an account in the banking-house, even had that account been over-drawn, yet that he did not consider himself, much less did he consider Hall, as guilty of any violation of the law. He glanced at the effects which prejudice must have upon a man so miserably situated as he was, and concluded with a strong appeal to the merciful consideration of the court and of the jury.

Mr. Mainwaring recapitulated the whole of the evidence, making suitable comments upon it, and upon the law of the case, as far as regarded the offence charged against both the prisoners, and left it with the jury to

say whether they were guilty or not ; and the jury, after a very short consultation, brought in a verdict of Guilty.

They were both again tried, upon a second indictment, for a like offence, in defrauding a person of the name of Brundell, who keeps a tavern at Blackwall, of 30*l*.

The prisoners went to Mr. Brundell's house and dined ; after dinner they got him to sit down and drink a glass of wine with them, and in the course of the conversation they signified that a party of twenty would dine there on the Thursday following, and bespoke a turtle dinner accordingly for that number, at the rate of 20*s*. a head. In a little time after dinner a letter was received by Mr. Brundell at his bar, and on opening it he found another, directed " To Richard Andrews, Esq." which letter was instantly handed up stairs to Mr. Andrews. Mr. Andrews no sooner received it than a conversation took place respecting the sale and purchase of an estate ; at length the prisoners again got into conversation with Mr. Brundell ; and in short they tendered to him a draft for 50*l*. on Messrs. Biddulph and Co. and desiring him to stop 20*l*. on account of the intended turtle dinner, got the difference, which was 30*l*. from him ; and after finishing two or three bottles they walked off. When the draft was presented the next day, at Messrs. Biddulph's, the fraud was discovered, for he had no account there, and Mr. Brundell saw no more of his guests till he saw them in custody.—They were both found guilty on this indictment.

Mr. Mainwaring passed the sentence of the court, which was, that for the first offence, they should be imprisoned in Newgate six months, and, for the second, that they should be transported for seven years.

## WILLIAM M'CORMICK,

(ONE OF THOSE DARING THIEVES CALLED HUSTLERS,)

*Transported for Hustling and Robbing a Passenger in the Borough of Southwark.*

LONDON is now infested with numerous gangs of thieves, who appear in the streets unconnected, from their keeping at a little distance from each other, but are always at hand or within sight of each other. One of these villains having marked the object of his attack, gives the concerted signal to the others, and then runs against the passenger, as by accident. This is the pretext of the robber in charging him whom he assaulted with an assault—words arise—passengers stop—the gang collects upon the spot—and raise a riot, while they pick the pockets of all around them. This is a common practice in the day time; and, in the confusion, they contrive to make their escape. After dark, they are less ceremonious in their attacks. Two or three can execute a hustle, by first jostling, and then knocking down, their object, swearing he was the aggressor. Sometimes two of the gang, adepts in the boxing art, pretend a quarrel—challenge—strip—and exchange a few rounds. This is esteemed a superior kind of hustle, as the gang being more numerous, they crowd and trample upon the people, searching each pocket of the gaping spectators.

A short time previous to the conviction of M'Cormick, a most daring hustle took place at the King's Theatre in the Haymarket.

Major Morrison and Mr. Wilkins of Red Lion-square, were met and hustled, in the passage on the king's side of the Opera-house, by five pickpockets, as they were going to the masquerade. Major Morrison received a blow on the head, which knocked his hat off; and, while he was endeavouring to save it, the villains attempted to force his watch out of his pocket; they did not succeed, but broke his gold chain, and made off with that and the seals. Mr. Wilkins also received a violent blow on his

temple. On the company retiring from the supper room, several suspected persons were apprehended; among them was James Mackay, whom Townsend recognized as a very old offender, and conducted to St. Martin's watch-house.

In the forenoon, the watch-house keeper having business out of doors, left the keys of the cell with his wife, when Mackay took an opportunity to knock her down, and effected his escape from the watch-house; but being stopped by the gate at the bottom of the court, which he found a difficulty in opening, he was taken by a butcher, who happened to be passing at the time. At twelve o'clock he was conveyed to Bow-street, where he underwent an examination.

Wm. Petherick said he saw the prisoner throw away a watch, as he was passing through the lobby, in custody of some gentlemen who had seized him; and very soon after he saw the prisoner throw away another watch, which was produced.

T. Robins, Esq. stated, that at the general bustle about pickpockets, he discovered that he had lost his watch, and observed the prisoner close to him, and, as he supposed, in the act of taking his watch: he endeavoured in vain to secure him; and, while in this act, he supposed the prisoner put the watch into his waistcoat pocket.

Captain Samson, in the East-India service, said, that he saw the prisoner running down stairs, pursued by several people, and observed him throw or drop a watch close to him, which he picked up, having hold of the prisoner at the same time.

Mr. J. Henbury, of Devonshire-street, Queen-square, identified the gold watch, chain, and seals, produced by the last witness, and said, he missed them between twelve and one o'clock at the masquerade. The prisoner called himself James Smith; but Townsend begged leave to remind him that his name was James Mackay, by which name he had been convicted in the year 1797, and transported. He then admitted the fact, and that he had returned from Botany Bay about nine months ago.

He was found a fit subject to be returned to the same place of transportation.

A system of foot-pad robbery, was at this time also carried to a great length in and about London nightly, and supposed to be one gang, consisting of about thirty of the most desperate villains that ever infested the metropolis. Mr. Elsdon, a builder, was attacked near his own house in Thornhaugh-street, Bedford-square. One of this daring gang stopped Mr. Elsdon's mouth, while another presented a pistol close at his head, which Mr. Elsdon caught at, and wrested it from him—he grappled and fell with them, and they ran off without robbing him, leaving the pistol in the possession of Mr. Elsdon. Mr. Guise, of Acton-lane, was stopped by two of the gang, in a foot-path called the Shrubbery, near Kensington toll-bar, and robbed of 2*l.* 16*s.* The same gang have committed several depredations in the neighbourhood of Chelsea.

At the October sessions for Surrey, held the 18th of October, 1811, William M'Cormick was charged with hustling Wm. Hill and attempting to steal his hat and handkerchief. The prosecutor stated that he was coming down Tooley-street about half-past ten o'clock, when he was stopped by the prisoner and another person. The prisoner knocked him down and took his hat off, and attempted to run off with it. The prosecutor, however, caught him by the coat, stopped him, and took the hat from him. The prisoner then made a snatch at the prosecutor's handkerchief, and had nearly got it off; the prosecutor, however, seized him, a scuffle ensued, and both fell: the prosecutor then called out Watch! and the prisoner's companion ran off. The prosecutor succeeded in securing the prisoner, and taking him to the watch-house. Verdict—Guilty.

The court, after animadverting on the increase of this species of depredation, expressed its determination to punish it with severity. The prisoner was then sentenced to be transported for seven years.

ROBERT CROWLEY and SAMUEL BROWN were put

to the bar, charged with stealing a quantity of oil, the property of Mr. Barrett, proprietor of Vauxhall-gardens.

The prisoners were both found Guilty.

Mr. Simpson, who prosecuted on behalf of Mr. Barrett, after the jury had delivered their verdict, addressed the court, observing, that in consequence of the sorrow expressed by Crowley for his offence, and the readines he shewed to give all the information in his power towards leading to the detection of the other depredators, he begged leave to recommend him to the mercy of the court.

Crowley was then sentenced to be confined, and kept to hard labour in the House of Correction for three calendar months; and Brown to be imprisoned and kept to hard labour for twelve months, and during that time to be once publicly whipped for 150 yards on the Vauxhall-road.

At the same sessions JOHN LOUDON was charged with stealing 53lbs. of rope-yarn from the yard of Mr. Hill, rope-maker, at Bermondsey. The fact was fully proved against the prisoner. The jury found him guilty, and the court sentenced him to be imprisoned and kept to hard labour for three months, and during that time to be once publicly whipped.

The next case worth our notice at these sessions was the trial of JAMES FORD, for a brutal attack upon a woman.

The defendant, a gardener, residing at Rotherhithe, was indicted for a violent assault on the person of Ann Bliss, a poor woman residing in that neighbourhood. It appeared that the prosecutrix resided in a cottage, situate in a road leading to some premises belonging to the defendant. The footpath leading to her door being in extreme bad order, she had purchased about two loads of rubbish to mend it with, this rubbish was shot in the road near the house, preparatory to being spread on the footpath; during the time it was laying there the defendant had occasion to carry some hay to his yard at the upper

end of the road; and, on perceiving this rubbish, under pretence that there was not room for him to pass, he directed his son, who was with him, to spread it about the road. Whilst the son was thus employed, the prosecutrix discovering what was doing, came out of her house, and telling the defendant for what purpose the rubbish was collected, requested he would not spread it about. Instead of complying with her request, however, he abused her very grossly, and struck her several violent blows with a shovel which he had in his hand. This statement of the prosecutrix was corroborated by several witnesses. The defendant attempted to prove that the prosecutrix had committed the first assault by striking him. The jury, however, found him guilty, and the court, after animadverting with severity on his conduct, sentenced him to pay a fine of 20*l.*

### JOSEPH BROWN,

*Executed at York, for the Murder of his Landlady several years before, in order to possess himself of her Property.*

THIS is another instance of the accusing conscience of a murderer, impelling him to discover his own crime, and to deliver himself up to an ignominious punishment.

Joseph Brown was indicted for the wilful murder of Elizabeth Fletcher, at Hensal, near Ferrybridge, by administering poison to her in the month of October, 1804.

Robert Challenger, the first witness examined, lived at Hensal in October, 1804, and was a near neighbour of Elizabeth Fletcher at the time of her death; saw her the night before she died, on Sunday, the 21st October, when she appeared in good health. Witness was in her house about eight or nine in the evening, and saw the prisoners, Joseph Brown and Joseph Hazlegrove, at sup-



per; at that period they lodged there; recollects Hazle-grove fetching a quart of ale, which he mixed with a quantity of sugar, and then gave it to the deceased, desiring her to drink heartily of it, having previously put the mug to his own mouth to drink; but witness could not say whether he actually drank of it or not. The deceased drank of it freely, and gave it to her sister, who also partook of it. Brown poured some ale unsweetened into a mug, saying he did not like it sweetened, and the whole of the sweetened ale was taken by the deceased and her sister; prisoner and Hazlegrove went to bed about a quarter of an hour after the ale was drank, and the witness returned home about nine in the evening. About eleven o'clock in the morning of the next day saw Elizabeth Fletcher; she was then dead, and her sister was in a deep sleep, in which she continued till six o'clock in the evening, when she awoke, and took a little refreshment.

Mrs. Longbottom, finding the windows of the deceased closed at a much later hour in the morning than was usual, went, at the desire of Mrs. Hemsworth, into the house; the door was shut, but not fastened. On going into the house she found the deceased and her sister apparently in a dying state: the sister lay helpless on the floor, and the deceased was extended on the bed. Witness thought at first she was dead; but, on moving her a little, she perceived she was alive, and perceived a quantity of froth at her mouth. Witness remained with her until she died, which was about a quarter before eleven o'clock. The deceased never spoke; she was motionless, and her eyes were closed, though she moved her eye-lids. The witness had seen the deceased on Sunday, the day before her death, and she then appeared to be in a good state of health. Witness said Sarah Fletcher was upon the floor; witness assisted to remove her into a chair; she opened her eyes, but did not speak; it was six o'clock in the evening before she spoke. Elizabeth Fletcher was about 55 years of age.

Rebecca Harrison lived next door to the deceased at the time of her death; went into her house about ten

o'clock in the morning on the day she died, and was there also at eight o'clock the preceding evening before supper, and she was then in a good state of health; did not see the prisoner there in the morning; found the deceased lying on the bed; she appeared strongly convulsed, and froth came out of her mouth. Sarah Fletcher was subject to convulsion fits, but the deceased enjoyed a good state of health.

Thomas Wheates, constable, knew Elizabeth Fletcher; went to her house the day she died; she was lying upon the bed in a convulsed state; he went to the overseer to get medical assistance, but was informed she was dead before it was procured. Went to Mr. Marshall, of Selby, who was coroner, was examined before him, but no medical person was procured to examine the body; Brown and Hazlegrove had left their lodgings. Saw the deceased and her sister; when the latter awoke, he asked what had been the matter with her; to which she replied, she did not know; fell asleep again immediately. Sarah Fletcher being in a state of approaching idiotcy, 4s. per week was paid by the parish towards her maintenance. The deceased was a very endeavouring and industrious woman.

Thomas Thorp lives at Knottingley at present, but in October, 1804, lived with Mr. Durham, of Hensal, and was then acquainted with the prisoner, who at that time lodged with the deceased. The prisoner, a short time before E. Fletcher's death, told him he had some thoughts of marrying her, for she had a good bit of money. Witness asked him how much; to which he replied, 20l.—it would be a good thing, and set him aforehand. The prisoner said the conversation was false; it could not be true, he said, because he was at that time married, and therefore could not talk of marrying another person. The witness stated, that both Brown and Hazlegrove had represented themselves as single men. The prisoner again repeated his denial of this.

Rebecca Fletcher, sister of the deceased, went to her house on the 22d of October; found her sister Elizabeth

dead, and her sister Sarah asleep. Said, that about three weeks before, her sister shewed her box to her ; she had then in her box three guinea notes and two pieces of gold ; but, on examining the box after her decease, found the lock had been broken open, and the money taken away ; the other contents of the box appeared much rumbled. The box was kept in the room where the prisoner and his companion slept. Prisoner asked the witness, if she had not before stated that she had found a five-shilling piece in the box ; to which she replied, she had not. Her sister Elizabeth, the deceased, had a good state of health for many years, and during that period had not been subject to any kind of fits.

John Carr stated, that the prisoners had been employed to ~~swingle~~ flax ; they were to do it by the job, and absconded on the morning of the 22d of October before they had done the quantity they had agreed to do. Both of them had represented themselves as unmarried men.

Mr. William Perkin, surgeon and druggist, of Snaith, stated, that the prisoner came to his shop on the 18th or 19th of October for some laudanum ; the witness asked him his name and the use he intended it for. The prisoner said his name was Joseph Fletcher, and that he lived at Hensal, and that the laudanum was for the use of his father, who lived at Cawood, and who was troubled with pain, and could obtain no rest at night. On this representation, the witness let him have six-penny worth, which was rather more than an ounce. Witness never saw the prisoner again until he was examined before the magistrate on suspicion of having poisoned the deceased, which was about ten days after ; but he was perfectly sure as to the identity of the prisoner, and that the prisoner had represented his name as being Joseph Fletcher. The quantity of laudanum bought by the prisoner was sufficient to produce the effect described by the preceding witnesses in a person who had not been in the habit of using laudanum, and to produce death ; and that the symptoms described by the witnesses were such as were likely to result from the administration of laudanum ;

and, from these symptoms, he had no doubt but the deceased died of the poison of laudanum.

Mr. Sewell stated, that he was a solicitor at the Isle of Wight; that the prisoner was brought by a serjeant of the depot to the office of the magistrates at his own desire; that no threat, promise, or inducement of any kind, was held out to him to make confession; that he took it down in writing at the time, and when it was fairly written out, it was read over to him distinctly, who said he understood it all, and it was all true. The reason assigned by the prisoner for making this confession was the extreme anguish of mind he suffered from his reflections, which rendered life absolutely insupportable. The confession was dated Isle of Wight, 3d of August, 1808. This confession stated that he had been acquainted with Joseph Hazlegrove upwards of six years; that in the month of October, 1804, himself and Joseph Hazlegrove lodged with Mrs. Fletcher, of Hensal, near Ferrybridge, and there formed the design of poisoning her, in order to possess themselves of some property they supposed her to possess; that for this purpose he procured six penny worth of laudanum of a Mr. Perkins, of Snaith, which he gave to Hazlegrove, who mixed it with some beer along with some sugar, and gave it to Elizabeth Fletcher and her sister; the former died in consequence of it, and early the following morning they broke open her box, and took out one guinea and a half; that they were afterwards apprehended and examined before a magistrate, who not considering the evidence sufficiently strong against them, ordered them to be discharged. The confession recited also the commission of various others crimes, particularly that of the murder of Calvert, the Selby carrier; but the judge would not permit that part of it to be read.

The prisoner being called upon for his defence, referred to a paper which had been delivered to the judge at his lodgings, but his lordship said he could take no notice of any papers delivered to him out of court; but if the prisoner wished it to be read as his defence, he would give it to him, which the prisoner assenting to, it was

read by the clerk of the court. This paper stated, that about seven years ago, he commenced an intimate acquaintance with Joseph Hazlegrove, which had continued unbroken to the present moment; and that in the early part of their friendship a lady of high rank and fortune became enamoured with his friend, and that many interesting meetings took place between them; and as he was employed by his friend to carry messages to the lady, and contrive interviews between them, this gave an air of secrecy and mystery to their conduct, which people represented much to their disadvantage, and insinuated that it was for dishonest purposes that they had their nightly meetings; and to such a pitch of malignity and superstition did their malice arrive, that there was not a murder committed within ten miles which was not attributed to them. This narrative then proceeded to a review of the different prosecutions which had been commenced against them, all of which originated, as he represented, in malice; and that, in consequence of the evidence of a vile man, they were convicted of a burglary; but that the judge was much dissatisfied with the verdict, and their sentence was changed from death to being sent on board the hulks, and subsequently they were permitted to enter his Majesty's service, where their sufferings were so extreme, in consequence of the odium which even then followed them, that he determined, by a false confession, either to have an opportunity of vindicating their characters in a court of justice, or of perishing in the attempt; and he knew that no confession which did not include the death of Calvert, would satisfy the gentlemen of Yorkshire; and, as to the death of Elizabeth Fletcher, it was occasioned by a fit, to which she had been subject.

This written paper concluded with protesting their entire innocence of the various crimes of which they had been accused, and concluded with a prayer for his enemies and persecutors. The judge then asked the prisoner if he wished any witnesses to be examined to substantiate his defence, to which the prisoner replied in the negative. His lordship then proceeded to sum up the

evidence, and the jury, without retiring, immediately returned a verdict of Guilty.

His lordship then proceeded to pass sentence of death upon the prisoner, whom he addressed in the following terms:—

“ Joseph Brown, I am again called upon, in the painful exercise of my duty, to pass sentence upon a person found guilty of one of the greatest offences against society—the crime of deliberate murder. You stand an awful and striking example of the justice of Providence of that punishment, which, sooner or later, never fails to overtake the guilty. You have been compelled by the agonies of remorse, and the upbraidings and tortures of a guilty mind, to furnish that evidence against yourself which was wanting to establish the proof of your guilt, and to supply that link in the chain of evidence which appeared to be imperfect. I trust, that every one who hears of your fate will bear in mind, that a time will arrive probably in this world, most certainly in another, when guilt will meet with its due punishment. In your unhappy case, that period is already come when you must receive the reward of your crimes. Impelled by the hope of possessing the treasure which you supposed your unfortunate victim had saved from her hard earnings, you deliberately formed the design of destroying her; for this purpose you purchased a deadly drug, which you procured to be mingled in the cup, which you offered to her under the guise of friendship. When the potion had taken effect, you plundered her of her property, though it was much less than your guilty cupidity had suggested. Your crime appeared likely to be perpetrated, as to this world, with impunity; more than four years had elapsed since its perpetration, and the remembrance of it began to fade from the recollection of every one but the guilty author of the deed; and it seemed probable, that nothing more would have been heard of it, if the consciousness of your crime, more poignant and destructive than the poisoned bowl, had not compelled you to disclose the horrid secret.—Chequered as your life has been with crimes, I cannot indulge the hope that any thing that I

can say will have any lasting effect upon you ; but I conjure you to spend the few remaining hours you have to live, in earnest prayer and supplication to heaven for mercy ; and may your unhappy fate convince others, that though their crimes may be committed in the darkness of the night, they will hereafter be proclaimed at noon-day."

His lordship then passed sentence of death upon the prisoner in the usual form, which sentence was carried into execution on Monday the 20th of March, 1809.

### TUCKER, THE MOCK PARSON,

*Convicted at the Middlesex Sessions, the 2d November, 1811, for swindling a Victualler of his Wine, and transported for seven years.*

AN unusual crowd of very respectable persons assembled at an early hour in court to hear this trial. The criminal was put to the bar about two o'clock, and charged with obtaining goods and money under false pretences, viz. by pretending to a person of the name of William Edbrook that he was a clergyman in holy orders, and rector of Frome in Somersetshire ; and by means of these false pretences, obtaining from the said W. Edbrook three bottles of wine, and one Bank dollar of the value of 5s. 6d.

Mr. Edbrook deposed, that he keeps the Quebec Arms in Oxford-street. On the 1st of July 1811, the prisoner came to his house, and entered into conversation with him ; it was rather late in the evening. He asked him his name ; and hearing it was Edbrook, observed, that he was sure he was a west-countryman, as he knew many of that name in the west of England ; adding, at the same time, he was a west-countryman himself, that his uncle was recorder of Exeter, his name Tucker, and that he himself was rector of Frome, in Somersetshire, and that he was also curate of Park-street

chapel; and that he was intimately acquainted with Sir T. D. Ackland, Bart. and to many personages of the first distinction; that he lodged at No. 42, Green-street, Park-lane. He then enquired if his wine was such as he could recommend; and upon being answered in the affirmative, ordered some wine to be sent the next day to him, as his father, sister, and some friends, were to dine with him; which being promised, he departed that night, and paid his reckoning.

The next day Mr. Edbrook sent to know whether the prisoner did actually reside at 42, Green-street, and whether he performed service in Park-street chapel; and his servant brought intelligence that it was all true. He then sent two bottles of sherry. The next day prisoner called on him, and drank a bottle of port, but went away without paying for it, saying, however, that he would call the following day. The following day he did call; and, talking high as before, asked if he could have a bed there that night. Mr. Edbrook had no accommodation for him as his house was all engaged, but he procured a bed for him, in a neighbouring coffee-house, and he called in the morning after, and breakfasted at Mr. Edbrook's; when breakfast was over, he signified that he had no money about him less than a two pound note upon which he put on his hat and departed, and witness saw no more of him till his apprehension at Bow-street.

Prisoner put several foolish interrogatories, none of which had any other tendency, but that of manifesting his guilt.

Benjamin Tedder said he was clerk to Park-lane chapel, that on the 22d of June last, the defendant came to him, and said he was appointed by the Rev. Mr. Clark, to assist him in the clerical functions at the chapel, and he accordingly attended the next day: he came in a gown, and was accommodated with a surplice by the witness; he went through the communion service; and, after the sermon, he administered the sacrament to a considerable congregation.

The witness understood that the Rev. Mr. Clark had



actually engaged the defendant, being imposed upon by him. He also performed the evening service of that day. In conversation with the defendant, he said he had a great number of invitations for each Sunday, and consulted with him which he should prefer, when the witness very honestly advised him to go where he should get the best wine and the best company.

Here ended the case in support of the prosecution.

The defendant being called upon, addressed the court in a strain of considerable *cant*. He began by inveighing against the public journals of the country, and the prejudice which he said they excited against him; he next adverted to the caricature print shops, and complained of them; he was proceeding in this way, when Mr. Mainwaring recommended him rather to adduce something that would rebut the charge now made against him.

He then submitted that the prosecutor had not proved the delivery of the wine. This was admitted by the court; but there remained the obtaining the dollar, and that the prosecutor gave into his hand himself. His objection in this instance availed him not, and he proceeded to appeal to the feelings of the jury, and was not a little successful with some of the auditory, for several ladies began to shed tears.

Mr. Mainwaring summed up the evidence, and left the whole with the jury, who, without retiring from the box, brought in a verdict of Guilty.

The prisoner was found guilty on the second indictment; and the court, having considered the various circumstances of his life, sentenced him to be transported for seven years.

## THE STOLEN CHILD.

**THIS** was a very singular and mysterious affair. It greatly excited public curiosity; and though every means was taken, even to the proclamation of the lord mayor of

London, offering a reward for the recovery of the lost infant, and describing the person and dress of the woman suspected of the crime, the offender with the stolen boy long remained undiscovered. The woman was described to have been genteelly dressed, and that she had purchased some pastry to treat the child, and a hat and feather for it, at a hatter's shop, on Fish-street-hill.

Suspicion fell upon an innocent lady, the wife of a surgeon in the navy, and, sad to relate, she was brought before his lordship, who, after two examinations of several witnesses, all of whom, it will be found, mistook her person, committed her for trial at the Old Bailey. It is true she was acquitted, but what alleviation could be offered to her feelings—what reparation made to an injured husband and distressed relatives?

The trial of this lady, whose name it would be indecorous to mention, discovered the whole proceedings of this very singular offence; just as practised by the guilty woman, who we shall soon introduce to the reader; and which were to the following effect.

Mary Cox, who keeps a green-grocer's and fruiterer's shop, in Martin's-lane, Cannon-street, deposed, that about half past ten o'clock on the morning of Monday the 18th of November, 1811, Mrs. Dellow, the mother of the lost child, came to her shop, told her she was going to consult a medical gentleman on some complaint in her eyes, and left the little boy and another child, his sister, in her care, until her return. The witness was sitting shortly afterwards with one of the children on her knee, when a lady answering to the prisoner's description came in, and called for two penny-worth of apples. She put down the child, and served her. Immediately afterwards some other person came in for some of her merchandise, whom she also served. She then, missing the children from the door, called them to come in, but neither answered. She ran into the street, but could not find them. Alarmed at this, she went up the street, and called frequently, Rebecca (the little girl's name,) but received no answer. After a short time, she saw the little girl, without her brother, returning down Fish-street

having an apple and a small plumb-cake in her hand. She asked her who had given her them, and where her mother was? The child replied she had got them from the lady who, just before, had bought the apples at her shop, and had taken her little brother with her to his mother. The woman made every enquiry about the neighbourhood, but could find no satisfactory traces of the lady. Witness could not, however, positively swear to the identity of the prisoner.

Two witnesses from a pastry-cook's shop, on Fish-street-hill, the one a shop-woman, and the other the daughter of the master, proved, that on the morning, and about the hour stated, a lady, attired in a dark gown, blue cloth cloak, and black straw bonnet and feather, came into the shop with two children; one the little girl now produced in court, and the other a little boy about four years old. They had neither hats nor tippets on, and the boy had his hair turned up on one side of his forehead, answering to the description of the lost child. The lady bought some buns, of which she gave two to each of the children, and immediately went out with them. Both these witnesses looked at the lady, and felt every reason to be convinced she was the same person, although she was now dressed quite differently, being attired in a scarlet cloth cloak, and figured silk *coiffure*.

The uncle of the child stated, that having heard his brother's little son had been stolen, he made every enquiry into the circumstances, and round the neighbourhood, in order, if possible, to discover some clue to the person who had taken off the child. He learned what had occurred at the pastry-cook's: and afterwards was informed at the shop of Mr. Shergold, a hatter, on Fish-street-hill, that a lady answering the same description had purchased the same morning a hat and feather for a little boy, whose appearance agreed with the person of little Dellow; but all farther enquiries were in vain, until some days afterwards, when a gentleman of his acquaintance, to whom he related the story, told him, of a woman who lived at a house in Trafalgar-place, South-

wark, whose person corresponded with the description he gave. Thither he went, accompanied by a police officer from Union-hall, and one of the young women from the pastry-cooks. Unwilling to excite any alarm, he first rapped at the door, and enquired if Mrs. R—— was at home; and was told she was not by the person who opened the door. He said he would wait for her, and he was shewn up stairs to the front apartment of two which the lady occupied. After waiting a few minutes she came in. He engaged her by some conversation, still casting his eye about for some traces of the child, but saw none. He asked if she had not another apartment, to which she answered, "Yes," and shewed him into the next room. He discovered no clue there to his object. She then asked him who the persons were who waited below stairs? He said they came with him; and, requesting her not to be alarmed, told her the nature of his business, and asked her if she had any objection to see and speak to the girl from the pastry-cook's shop? She answered she had no objection to see any person upon the subject. The girl was then called up stairs, and on seeing and hearing the defendant speak, said she was the very person. The witness cautioned her at the time to be very circumspect, but she was positive as to the defendant's identity. The witness again requested the lady not to be alarmed; but told her it would be necessary for her to accompany him with the officer to the hatter's shop before-mentioned. She came without hesitation; but at the hatter's, the female who had sold the hat and feather, could not speak positively to her person, but merely to her size; and she herself positively denied having ever been either at the hatter's or the pastry-cook's. She was, however, held in custody, and her apartments were afterwards searched, but no such cloak or hat as those described to have been worn by her on the former day, nor as that said to be purchased for the child, were discovered, nor any thing that could give any information respecting her.

The lady positively denied any knowledge of the transaction, and added, that she was confined within her

lodgings by illness the whole of the day, and the two days preceding this transaction, except going out on the Monday afternoon about four o'clock; and this, she said, could be proved by two witnesses; the owner of the house where she lodged, and another female, who is also an inmate.

John Mills, formerly a soldier in the Guards, deposed, that he plied as porter in Thames-street. On the 18th of November he saw the prisoner driving two little children before her; the eldest seemed reluctant to go, and the prisoner took the youngest in her arms, and said she was going to buy cakes for them. Witness walked after them to the end of the street, his attention being attracted by the prisoner "rather snubbing them." Shortly afterwards he saw the little girl return alone, with some cakes in her hand. He was positive as to the person of the prisoner at the bar.

The prisoner fell on her knees, attested heaven to witness her innocence, and fervently prayed that she might never rise with life from the posture in which she was, if she had any knowledge whatever of the child, or of the act imputed to her.

Several witnesses were then examined to the prisoner's character, who all bore testimony to her general good conduct.

The recorder, in summing up the evidence, observed, that there was nothing to fix the prisoner with guilt but her identity; he then instanced a case in which six witnesses had sworn to the person of a gentleman as having committed a robbery at Hampstead, who afterwards proved, to demonstration, that he was in London at the time at which it was said he had been guilty of the offence imputed to him. Having then adverted to the *alibi*, proved on the part of the prisoner, he exhorted the jury to divest their minds of all prejudice, and form their judgment wholly upon the facts before them. If they had any doubt as to her guilt, her good character ought to be thrown into the scale of mercy—if, on the contrary, they were fully convinced of her criminality, they would return a verdict accordingly.

The jury, after a short consultation, returned a verdict of—Acquittal.

Several females were carried out of the court in a state of insensibility during the trial, from the crowded state of every part of it. The trial lasted from 5 until nearly 10 o'clock.

At length this mystery began to developé. The first information received in London, was from a magistrate in Gosport, acquainting Mr. and Mrs. Dellow of the discovery—that their child was safe there, and ready to be delivered to its parents. The father instantly set off, and was once more blessed by enfolding his infant in his arms.

Soon after Mr. Dellow's return home with his son, he was required to appear with him, before the lord mayor of London, where he found William Barber, the keeper of the Gosport bridewell prison, ready to give evidence against a woman of that town of the name of HARRIET MAGNIS; in whose possession the child was found.

This man informed his lordship that having seen a hand-bill describing a child lost or stolen from London, he got information that this child was at Gosport, that he communicated the same to the magistrate, who granted him a warrant to bring the woman and child before him for examination, that he went to the lodgings of Mrs. Magnis, who lived in a very respectable way, that he asked her if she had a child; she said she had; he then asked her if it was her own, to which she replied rather faintly, that it was; but upon his saying that he doubted it was not her child, and desired to see the child, she took him very readily to the room where the child was in bed, and confessed to him that the child was not her own, and that she had found the boy in London, and said she had taken the greatest care of him, and had bought him a great many clothes, which she produced; being taken before the magistrate she confessed every thing. The keeper handed a copy of her confession and examination at Gosport, to his lordship. Mrs. Dellow was present with the little boy: she gave an account to his lordship that her husband had brought

her child home alive and well, though not quite so lusty. The lord mayor said he must remand the prisoner for further examination, but wished to know in the mean time if she had any thing to say for herself; she said she was willing to do any thing, and confessed she had taken the child from a little girl, and said it was to please her husband, and was very sorry for it, and seemed very much affected. She was very genteelly dressed, and much resembled the woman who was tried for this offence, as she had on a dark green mantle trimmed with fur, and a straw bonnet; she was asked if she knew any thing of M. Rusten; but she said she did not. She was committed to the Poultry Compter for further examination.—The crowd which assembled round the justice-room to see this woman and child was so great, that they were obliged to keep the doors shut.

On her second examination, it appeared, that a woman at Gosport observed a neighbour of hers in possession of a boy, bearing the marks described, and answering to the age of three years old. She immediately thought it was Thomas Dellow, who had been so long missing; the more so, as she had reason to believe that the pretended mother had never borne a child. She communicated her suspicions to the gaoler, and he to the nearest magistrate, who sent for Mrs. Magnis, the pretended mother. The moment she was interrogated on the subject, she confessed the whole affair, and her motive for the robbery; that Magnis her husband, who was a gunner on board one of his majesty's ships, and had saved a considerable sum of money for a man in his station of life, was extremely partial to children, and had often expressed his most anxious wish to have a little darling, as he used to term it. His wife, not less anxious to gratify him in this respect, wrote to him while at sea, that she was in the family way. The gunner, highly delighted that he had obtained his desired object, sent home the earnings of many a cruize, amounting to 300*l.* with a particular charge that the infant should be well rigged, and want for nothing: if a boy, so much the better.

The next letter from his hopeful wife announced the

happy tidings that his first-born was a son : and that she would name him Richard, after his father.—The husband expressed his joy at the news, and counted the tedious hours until he should be permitted to come home to his wife and child.

At home he at length arrived, but at an unfortunate time, when the dear Richard was out at nurse, at a considerable distance ; change of air being necessary to the easy cutting of his teeth. The husband's time being short, he left his home with a heavy heart, without being able to see his offspring ; but he was assured that on his next trip to Gosport he should have the felicity he had so often pined for, of clasping his darling to his bosom. It was not until November last that he was at liberty to revisit home, when he had again the mortification to find that his son, whom he expected to see a fine boy of three years old, had not yet cut his teeth, or that he was from home on some other pretence. The husband, however, was not to be pacified thus : he would go and see his son, or his son should come to him. Mrs. Magnis, finding him determined, thought the latter much the best way ; and accordingly set off to fetch the boy. The metropolis occurred to her as the market best calculated to afford her a choice of children ; and passing down Martin's-lane, she was struck with the rosy little boy, Thomas Dellow, and at once determined to make him her prize. He was playing with his sister at the greengrocer's shop-door, into which Mrs. Magnis went, with the double view of purchasing some apples, and carrying off the boy.—She made much of the sister, caressed the boy, and gave him an apple. The children being pleased with her attention, she asked the little girl to shew her to a pastry cook's-shop to buy some cakes, whither she took both the girl and the boy. She got clear off with the latter, and left the girl behind. Magnis, supposing all his wishes realized, was made truly happy.

It is no exaggeration to say, that poor Magnis felt a parental affection for the boy ; and that when the imposition was discovered before the magistrate, he was grieved



to the heart at being obliged to part with him even under all the circumstances of the transaction.

Harriet Magnis was committed to Winchester gaol; and was brought to trial for the offence at the Assizes for Hampshire; and, after many arguments urged by counsel on both sides, it was agreed the offence was committed in London, and not in Hampshire, consequently she was—Acquitted!!!

TRIAL AND EXECUTION OF THE

MUTINEERS AND MURDERERS OF THEIR OFFICERS,

*While making an English Port, in a French Prize Brig.*

At a court-martial held on board his majesty's ship *Salvador del Mundo*, in the Hamoaze at Plymouth in December, 1812, these inhuman seamen were tried for one of the foulest, unprovoked, and desperate murders which ever disgraced the British navy.

It appeared in evidence that Joachim, a Portuguese; Martin, a black, belonging to the *Diana*; Millington, an Irishman; and Williams, an Englishman, belonging to the *Growler* gun-brig; Baptist, another black, concerned in the murder, drowned,—with two other seamen, named Boyd and Grant, admitted as evidence against them, were put on board the French prize-brig *Le Suir Marée*, along with the three persons they murdered, viz. Mr. Andrews, master's mate; Mr. Bolen, quarter-master; and Mr. Winsland, steward, a passenger; and that, after in vain attempting to carry the vessel into an enemy's port, they were again fell in with by the *Diana* and *Aquilon* frigates, and brought to Plymouth in irons.

After the court had been duly sworn, the first witness called was Boyd, who deposed, that, on the 25th of November, himself, with Grant, the prisoners, the black since drowned, and the three missing people, were put on board the brig, and directed to proceed to Plymouth, which they did, until the night of the 29th, or morning

of the 30th; when off Scilly, the diabolical plan was put in execution. That he and Grant had the first watch, from eight to twelve, and were relieved at twelve by some of the prisoners. That at about three o'clock he was called by Joachim, but he did not attend to him;—that he was called the second time, when he went upon deck, where he was told by Joachim and Baptist, they had taken the vessel, and intended to take her to France, and if he would join them he might;—this offer he peremptorily refused, and called for Bolen, who did not answer; he called again, and was answered by one of the prisoners that he was dead; horror instantly struck him to the soul: he, however, called for Grant, who answered very low; on which Joachim told him, as he was a poor seaman like himself he might go below and they should not hurt him: that he then went down the steerage into the cable-tier, where he found Grant, who had been previously called up, and asked the same questions. Here their situation must have been truly dismal, expecting every moment to be murdered also. They were kept as prisoners by the negro Martin, who stood over them with Mr. Andrews's sword. Boyd further stated that there was only a sliding door which parted them and the cabin, where they saw a body covered over with a quilt, and lying on the floor, which was afterwards removed on deck, and thrown overboard. That in the morning, at day-light, they heard a voice on deck say, two sail in chase, and about eight o'clock they heard the boat lowered from the stern, and row off. That, after the boat was gone, Boyd looked on deck, and perceiving only Baptist, Millington, and Williams, he said to Grant, "Now is our time to go on deck, and throw the black (Baptist) overboard, and secure the other two;" with which Grant complied, and they both went up:—by this time the vessels were near them, and they were about seven miles from the Saints Island, standing quite on upon the land; for some time they (the witnesses) appeared to take no notice; but on Boyd observing the fore-top bowline loose, he desired the black to haul it taught, and he went to assist, hoping to get an opportunity to throw him over-

board; but, not finding an advantageous opportunity then, he walked behind him towards the stern, and observing the main mast topsail-sheet gone, he desired him to haul that tight. When the desired moment arrived, he seized the black, and threw him outside the bulwark, where the fellow clung with his hands to the rigging, and with his teeth almost bit off Boyd's thumb. On Grant observing this, he ran to Boyd's assistance, and struck the black on the head with a stick, and knocked him overboard. That he (Boyd) then went to the helm, seized Millington, tied his hands, and set him on the deck; that Grant, at the same time seized Williams, and set them side by side on the deck, when they stood the vessel off the land, to near the frigate, and to avoid the black who was still swimming. That the Aquilon's boat boarded them soon after, when he related to the lieutenant what had happened, and was then taken on board the Diana.

The next witness called was Grant, who deposed exactly to the same effect. Both of them gave their evidence in the most clear and steady manner.

The prisoners stated no cause that led them to commit this diabolical act. They were of course found guilty, after a most patient investigation, and accordingly were sentenced to suffer death on board such ships, and at such time, as the lords commissioners of the Admiralty shall be pleased to direct.

The awful sentence, although read in the most impressive manner by the judge-advocate, had not the smallest effect on any one but Millington, who cried much, for which he was jeered by Williams, who told him that hanging was nothing but choaking!

The president, before dismissing the court, took the opportunity of returning thanks to Boyd and Grant, for their brave and seaman-like conduct while in such a perilous situation; and said, he hoped it would never be forgotten by those present, and that their high and meritorious behaviour deserved the greatest praise.

The prisoners were hanged from the yard-arm of a vessel of war.

## MOST HORRIBLE MURDERS AND SUICIDE.

NEVER was the city of London so completely horror-struck, at any private calamity, as at the close of the year 1811, when these daring murders were perpetrated.

On a dark evening in the beginning of the month of December, about the time when tradesmen are shutting up their shops, Mr. Marr, a respectable draper, sent his servant maid, to purchase some oysters for the family supper. Mr. Marr was in the act of placing goods, which had been exposed to the view of customers on the counter, upon their shelves. The girl left the shop door a-jar, expecting to return in a very few minutes; but unfortunately the nearest place of sale for oysters had disposed of the whole, and she therefore went farther on her errand. Mean time two or more ruffians entered the shop, shut the door, knocked down Mr. Marr, and cut his throat. They then seized his shop boy, and murdered him. Mrs. Marr was in the kitchen, hushing her babe on her lap, to sleep. Hearing an extraordinary noise and scuffling above, as was supposed, she hastily laid the child in the cradle and ran up stairs, where she was met by the blood-thirsty monsters, seized, and instantly murdered in the same way they had dispatched Mr. Marr and the boy.

The child, disturbed with being hastily laid down, cried aloud, and the villains, doubtless apprehensive that it would cause an alarm—more horrible still to relate, descended, and put an end to its crying by a cruel death.

By this time, the girl returned with the oysters, and finding the shop door shut, rang she bell; but no person answered. At this instant a watchman, passing on his round, asked what she did there? and, being answered, he pulled the bell with violence. This so much alarmed the villains that they made a precipitate retreat through a window of the back part of the house, across some mud, and along an intricate way, which no one that had not previously known it could have readily found.

The watchman, finding the bell still unanswered, went to the next door neighbour, and gave an alarm. Some three or four men collecting together, it was determined to scale the wall which divided Mr. Marr's back premises from those of the adjoining house. This was done without much loss of time, and there was presented the most woeful scene that, perhaps, ever disgraced human nature. The body of Mr. Marr and his shop boy, the latter of whom appeared from evident marks, to have struggled for life with the assassins, near each other; that of Mrs. Marr in the passage; and the infant in its cradle, all dead, but yet warm and weltering in their blood. The horrible scene for a moment petrified those who first entered; and they naturally feared that the murderers might still be in the house plundering the property therein. They opened the street door, and called out an alarm of murder, which spread with such rapidity that the neighbourhood was very soon in an alarm. The nightly watch mustered, and the drum beat to arms—in fine, though now near midnight, so great a crowd assembled that it was necessary to shut the doors, while some one explained the cause of the alarm, to those in the street.

The coroner's jury brought in their verdict, "Guilty of wilful murder against some person or persons unknown!"

The interment of Mr. and Mrs. Marr, and their infant son, took place on Sunday, the 15th December, 1811, at St. George's Church in the East.

The procession entered the aisle of the church in the following order:—

The body of Mr. Marr ;  
 The bodies of Mrs. Marr and infant ,  
 The father and mother of Mr. Marr ;  
 The mother of Mrs. Marr ;  
 The four sisters of Mrs. Marr ;  
 The only brother of Mr. Marr ;  
 The next in relationship to the deceased ;  
 The friends of Mr. and Mrs. Marr.

After the church ceremony, the corpses were conveyed into the burial-ground, and deposited in one grave.

An immense crowd attended, but the utmost decorum prevailed.

The body of the unfortunate shop boy was interred by his relations.

We wish it was not our painful task to record another instance of human atrocity, and in universal belief, committed by the same relentless monster, but we have no sooner ended one melancholy account, than we are obliged to enter upon that of the murders at the unfortunate Mr. Williamson's.

Scarcely had the horror excited by the barbarous destruction of Mr. Marr's family subsided, when the neighbourhood in which they resided became again a scene of confusion and dismay.

The circumstances of the melancholy event to which we allude, are as follows :—

On Thursday night, the 19th December, 1811, shortly after eleven o'clock, the neighbourhood of New Gravel-lane was alarmed by the most dreadful cries of "Murder!"—crowds of individuals resident on the spot soon collected around the house whence proceeded the appalling sounds! Opposite the King's Arms public-house, at No. 81, Gravel-lane, numbers soon collected, and immediately it was ascertained that the cries which had excited such general alarm came from a man who was seen descending, almost in a state of nudity, by a line formed by the junction of two sheets, from the two-pair-of-stairs window of the house in question!!—On reaching the extremity of the sheets, which was nearly eight feet from the ground, he was assisted by the watchman, who caught him in his arms, when he cried out, in the greatest agitation, "They are murdering the people in the house!"—These words were no sooner uttered than a short consultation was held by the people assembled, and it was at once resolved that an entry should be forced into the house, through the cellar flap, which was shortly accomplished, and a man named Ludgate, a butcher, living in Ashwell's-buildings, Gravel-lane, and Mr. Hawse, and a constable, entered; and almost at the same moment a gentleman, named Fox, obtained an entrance through

some wooden bars at the side of the house, with a cutlass in his hand. On looking round the cellar, the first object that attracted their attention was the body of Mr. Williamson, which lay at the foot of the stairs, with a violent contusion on the head, his throat dreadfully cut, and an iron crow by his side; they then proceeded up stairs into the parlour, where they found Mrs. Williamson also dead, with her skull and her throat cut, blood still issuing from the wound, and near her lay the body of the servant woman, whose head was also horribly bruised, and her throat cut in the most shocking manner.

The following is a correct account of the examination of the witnesses before the magistrates of the Shadwell Police-office, and the most satisfactory information we could obtain of this melancholy event.

Mr. Anderson was first examined: he deposed that he was a constable; he knew Mr. and Mrs. Williamson; they were characters highly respected in the neighbourhood, and for the space of fifteen years kept the King's Arms public-house, which was the resort of foreigners of every description. At eleven o'clock every night they invariably closed up their house. On Thursday night, the 19th December, 1811, ten minutes before eleven, witness called for a pot of beer. Mrs. W. drew the beer, and said to him, "You shall not carry the beer home, I will send it." During the time she was drawing the beer, Mr. W. who was sitting by the fire, said to Mr. Andrews, "You are an officer, there has been a fellow listening at my door, with a brown coat on; if you should see him take him into custody, or tell me." Mr. A. answered, "He certainly would, for his and his own safety." These were the last words Mr. A. mentioned, and then retired. Witness lived next door but one to the deceased; between twenty and thirty minutes after he left the King's Arms, he intended to go for another pot of beer; as soon as he got out of his house he heard a noise, when he saw the lodger lowering himself down into the street by the sheets. He ran into the house for his staff, and proceeded to the spot. The watchman caught the lodger in his arms,

When witness and others broke the cellar-flap open ; they all then entered, and began to look round the cellar ; on coming to the staircase, they saw Mr. Williamson lying on his back, with his legs upon the stairs, his head downwards ; by his side was an iron instrument, similar to a stone-mason's crow, about three feet long ; in diameter three quarters of an inch ; it was much stained with blood. Mr. Williamson had received a wound on the head, his throat was dreadfully cut, his right leg was broken by a blow, and his hand severely cut. From these marks of violence, witness supposed Mr. W. made great resistance, being a very powerful man. While witness and others were viewing the body, they heard a voice crying, " Where is the old man ? " At these words, they proceeded up into the sitting-room, when they saw Mrs. Williamson lying on her left side ; her skull was fractured, and her throat cut, and bleeding most profusely ; near to Mrs. Williamson was the servant-woman, lying on her back, with her head under the grate ; her skull was more dreadfully fractured than that of her mistress, her throat most inhumanly cut, and none of the bodies were cold. Witness then stated that the premises were afterwards examined, and it was discovered that the murderers had made their escape from a back window looking into a piece of waste ground belonging to the London Dock Company. The sill of the window was stained with blood, and the sash remained thrown up. The distance which the villains had to jump did not exceed eight feet, and the ground beneath was soft clay, so that they could sustain no injury even had they fallen. From the waste ground in question there was no difficulty whatever in escaping, as it communicated with several bye-streets.

John Turner, the man who escaped from the window, and who was a lodger in the house, deposed as follows :—

" I went to bed about five minutes before eleven o'clock ; I had not been in bed more than five or ten minutes before I heard the cry of ' We shall all be murdered,' which, I suppose, was the cry of the woman-



servant. I went down stairs, and I saw one of the villains cutting Mrs. Williamson's throat, and rifling her pockets.

"I immediately ran up stairs; I took up the sheets from my bed and fastened them together, and lashed them to the bed-posts; I called to the watchman to give the alarm; I was hanging out of the front window by the sheets; the watchman received me in his arms, naked as I was: a great mob had then assembled opposite the door: as soon as I got upon my legs, the door was forced open; I entered, and found the bodies lying as described. There was nobody lodged in the house but myself, except a grand-daughter of Mrs. Williamson. I have lived in the house about eight months, and during that time I have found them to be the most peaceable people that could keep a public-house. The man whom I saw rifling Mrs. Williamson's pocket, as far as I could see by the light in the room, was about six feet in height, dressed in a genteel style, with a long dark loose coat on. I said nothing to him; but, terrified, I ran up stairs and made my escape as already mentioned. When I was down stairs, I heard two or three very great sighs, and when I was first alarmed, I heard distinctly the words, "We shall all be murdered!" Turner further deposed, that, at the time he went to bed, Mrs. Williamson was on the stairs taking up a silver punch-ladle and watch, which was to be raffled for on the Monday following, into her bed-room for security."

The grand-daughter alluded to in Turner's evidence, was so affected that the magistrates asked her but few questions.

It farther appeared from general report, that Mr. Williamson had been robbed of a watch, but whether any money had been taken from him was not known. The maker's name of the watch is said to be James Catchpole.

Two persons were taken into custody on suspicion, one of whom was discharged, but the other, an Irishman, who was apprehended with a jar of spirits in his possession, was remanded for a second examination, not

however from any suspicion that he committed the foul deed, but on account of his prevaricating in his statement, as to the mode in which the spirits came into his possession.

The wounds on the heads of the unfortunate sufferers were evidently inflicted by an iron bar; and from their position, as well as from the cuts on the throat, one of the murderers appears to have been left-handed. The under part of the house is a skittle-ground, next to the entrance of which is the cellar-door, by both of which entries it seems that the villains attempted to escape, as marks of blood were discovered upon them. During the time the horrid deed was perpetrating, a public-house, almost adjoining, was filled with people drinking, and a few doors on the other side is a rendezvous for seamen, all of which look into the waste ground alluded to.

On the first alarm being given, a picquet of the Tower Hamlets militia, and several volunteers, assisted by the inhabitants and the constables, made a most minute search in all quarters for the offenders, but without finding any person to whom they could affix suspicion.

The churchwardens and overseers of Shadwell parish held a meeting, and immediately advertised a reward of one hundred guineas for the discovery of the villains.

The magistrates of Shadwell continued sitting the whole day, and the concourse of spectators before the office was equally numerous to that on the spot where the fatal murders happened.

The deceased Mr. J. Williamson was about fifty-six years of age; his wife, Mrs. C. Williamson, about sixty; and Bridget Harrington, the servant-woman, fifty years of age.

The coroner's jury brought in the same verdict as upon the bodies of the Marrs; and their interment was conducted in a similar manner to that of the first unfortunate family.

The police-officers, who had been already on the

alert, but had not as yet, overtaken the murderers, were all required, by order of the magistrates, to aid in the search, and many persons were apprehended on suspicion, against whom nothing could be brought to criminate them.

Of the many examinations which took place at the Shadwell Police-office, the investigations of Mr. Graham of the Bow-street office, and many other active magistrates, we shall select such as fix these most dreadful crimes upon a man of the name of John Williams, said to have been an Irishman, who evaded justice by committing the additional sin of SUICIDE!

This man, at length, was apprehended as one of the murderers; and, on his examination, John Frederic Ritchen, a Dane, also a prisoner under suspicion, as an accomplice stated, that he lodged in the same house with Williams for about twelve weeks and three or four days, but knows little of him, except as a fellow-lodger. On being minutely questioned, respecting his knowledge of two persons, a carpenter and a joiner, acquaintances of Williams—he said, that about three or four weeks ago, he saw them drinking at the Pear-tree public-house with Williams, and since that time has seen them there without Williams. On the night of the murder of the Marr family, a few minutes before Williams came home, there was a knock at the door, and he went down to open it, when he found the key had been taken from the inside of the lock, and he called to the mother of Mrs. Vermillee, the landlady, to come down and open the door. Hearing her coming down he went up to his own room; and, when there, heard her in conversation with a man, whose voice, he thinks, was that of one of the two men before-mentioned. A few minutes afterwards, Williams himself came in. This was almost half-past one o'clock. One day last week—he believes three or four days before Williams was taken up—he observed that the large sandy-coloured whiskers which had before formed a striking feature of Williams's appearance had been cut off. About eleven o'clock on the day after the murder of the Marr family, he went from curiosity to examine the premises, which

he entered, and saw the dead bodies. From thence he returned to the Pear Tree, where he found Williams in the back yard, washing out his stockings, but he did not tell Williams where he had been. On being asked by the magistrates, why he did not tell Williams, he answered, "He did not know—he could not tell." He was then questioned respecting his knowledge of the maul, and also the iron instrument, which is a round bar about an inch in diameter, between two and three feet in length, flattened at the end into the shape of a chissel, but not with a cutting edge, being apparently a tool for caulking. The maul, he said, resembled one he had seen about the Pear Tree public-house, but he could not identify it. A pair of blue woollen trowsers, and also a pair of canvass trowsers, were then produced, which had been found between the mattrass and the bed-cloaths of the hammock in which the examined slept at the Pear Tree. The legs of the blue trowsers had evidently been washed, for the purpose of cleaning them from mud, of which the appearance was still perfectly visible in the creases, that had not been effectually cleansed. These trowsers were damp at the time of the examination; the canvass trowsers were also damp, but they presented no particular appearance. He stated, that both these pairs of trowsers had formerly belonged to a person since gone to sea, and he had since worn them himself.

Mrs. Orr stated, that on the Saturday before Marr's murder, about half-past one o'clock in the morning, she was getting up linen, when she heard a noise about the house, as if a man was attempting to break into the house. She was frightened, and asked, "Who was there?" A voice answered, which she knew to be Williams, "I am a robber!" She answered, "Whether you are a robber or not, I will let you in, and am glad to see you." Williams entered, seating himself down till the watchman was calling the hour of past two o'clock; Williams got up from his chair, asked the landlady if she would have a glass? she assented, but as he would not go for it, she went to the Pear Tree public-house, and could gain no admittance. She returned, when Williams enquired how

many rooms there were in her house, and the situation of her back premises? She replied there were three rooms, and that her back yard communicated with Mrs. Vermillee's house. The watchman came into Mrs. Orr's house, which Williams resisted for some time. The watchman told Mrs. Orr that he had picked up a chissel by the side of her window. Williams run out unobserved at this information; soon afterwards he returned; the watchman was going, when Williams stopped him, and desired him to go to the Pear Tree, and get some liquor. The house was then open. While the watchman was gone for the liquor, Williams took up the chissel, and said, "D—n my eyes, where did you get this chissel!" Mrs. Orr did not part with it, and retained the instrument till the Monday following. Hearing that Williams was examined, she went to Mrs. Vermillee's, and shewed her the chissel.—Mrs. Vermillee looked at it, and compared it with the tools in Peterson's chest, when it was found to bear the same marks, and declared that it was taken out of her house. Mrs. Orr instantly delivered the chissel to the magistrates of Shadwell-street office, as being a further trace to the villany. Mrs. Orr says she knew Williams for eleven weeks; he frequently nursed her child, and used to joke with her daughter, and once asked her whether she would be frightened if he came in the dead of the night to her bed side? The daughter replied, "No, if it was you, Mr. Williams, I should not." Both the mother and daughter thought Williams an agreeable young man, and of a most insinuating address, and never thought he could be the man who would attempt to rob or murder.

Sylvester Dryscoll was brought up, and informed by the magistrate that the enquiries respecting the liquors found in his possession turned out to be correct; therefore, upon that charge he was exonerated; but, till he gave some account of the bloody breeches found in his possession, he considered it his duty, as a magistrate, to commit him till the Tuesday following, which was accordingly done.

The magistrates ordered the publication of the marks

on the note found in the possession of Williams, for the purpose that any person having had such a note, or can at all trace the private marks, may apply immediately and give every information thereon.

ONE

BANK OF ENGLAND, 1811.

No. 16755. To pay to Mr. Henry Hase. No. 16755.  
on demand the sum of One Pound.

269

— Goodwin.

ONE

1811, Aug. 23, London, 23, Aug. 1811.

For the Gov. and Comp.

£ ONE

of the Bank of England.

T. FROGGATT.

And indorsed on the back of the note,  
Golding to J. D.—7|12 11.

Mr. Capper, a magistrate of Shadwell office, attended on Mr. Vermillee in Newgate. Mr. Alderman Wood waited on the magistrates in the morning, and stated information, which was of great importance.

The ripping chissel which was found in Mr. Marr's house was conveyed to Newgate, in order to be identified by Mr. Vermillee. The conference was private, and continued until four o'clock in the evening. Mr. Vermillee gave testimony to the instrument, called a ripping hook, being among the chest of tools deposited in his house. We must here remind our readers that the said ripping hook, about two feet in length, was found by the side of Mrs. Marr, and it is the same which Mr. V. has deposed that he knew perfectly well. The unfortunate person in confinement has likewise given information of another man, whom he conceives must be concerned in the late inhuman murders.

The magistrate immediately forwarded directions to

the different officers to go in pursuit, and every exertion was used to find out the man alluded to.

Williams, previous to the murders, had large red whiskers, which seem to have been cut off very recently before his apprehension, and his hair is cut in a different manner to what it was before ; he is about five feet nine inches in height, of an insinuating manner and pleasing countenance, and is not lame, as stated in some of the papers.

Vermillee, the landlord of the Pear Tree public-house, at which the supposed murderer lodged, will be liberated from the debtor's side of Newgate, and will be further examined.

John Williams was heavily ironed and confined in Coldbath-fields house of correction.

For a considerable time after the perpetration of these sanguinary atrocities the magistrates devoted, without intermission, the whole of their time, from an early hour in the morning till midnight, to the incessant pursuit of the murderers. The number of persons dispatched in different directions greatly exceeds what is known to the public ; and the private intimations received, so numerous as to justify a hope, that, by the laudable exertions of the magistrates and officers, the wretches who had thus outraged the peace of society would be speedily brought to justice and condign punishment.

When the gaoler went to the room in the house of correction in Coldbath-fields, where Williams was confined, in order to call him to his last examination before the Shadwell police magistrates, his body was found dead, hanging to a beam ; thus adding to his supposed crime that of self murder !

On the 31st of December, his remains were privately removed, at eleven o'clock at night, from the cell in Coldbath-fields prison, where he committed suicide, and conveyed to St. George's watch-house, near the London Docks, preparatory to interment. Mr. Capper, the magistrate, had an interview with the secretary for the home department, for the purpose of considering with what propriety the usual practice of burying suicides in

the nearest cross-roads might be departed from in the present instance, and it was then determined that a public exhibition should be made of the body through the neighbourhood which had been the scene of the monster's crimes. In conformity with this decision, the following procession moved from the watch-house, about half-past ten o'clock on Tuesday morning :

Several hundred constables, with their staves, clearing the way.

The newly-formed patrol, with drawn cutlasses.

Another body of constables.

Parish officers of St. George's, St. Paul's, and Shadwell, on horseback.

Peace officers, on horseback.

Constables.

The high constable of the county of Middlesex on horseback.

#### THE BODY OF WILLIAMS,

Extended at full length on an inclined platform, erected on the cart, about four feet high at the head, and gradually sloping towards the horse, giving a full view of the body, which was dressed in blue trowsers and a white and blue striped waistcoat, but without a coat, as when found in the cell. On the left side of the head the fatal mall, and on the right the ripping chissel, with which the murders were perpetrated, were exposed to view. The countenance of Williams was ghastly in the extreme, and the whole had an appearance too horrible for description.

A strong body of constables brought up the rear.

The procession advanced slowly up Ratcliffe-Highway, accompanied by an immense concourse of persons, eager to get a sight of the murderer's remains. When the cart came opposite to the late Mr. Marr's house, a halt was made for near a quarter of an hour. The procession then moved down Old Gravel-lane, along Wapping, up New Crane-lane, and into New Gravel-lane. When the platform arrived at the late Mr. Williamson's house, a second halt took place. It then proceeded up the hill, and again entered Ratcliffe-Highway, down which it moved into Cannon-street, and advanced to St. George's turnpike, where the new road is intersected by Cannon-street. There a grave, about six feet deep, had been prepared, immediately over which the main water-pipe runs. Between twelve and one o'clock the body was taken from the platform, and lowered into the grave—immediately after which a stake was driven through it ;



and, the pit being covered, this solemn ceremony concluded.

During the last half hour the crowd had increased immensely—they poured in from all parts, but their demeanour was perfectly quiet. All the shops in the neighbourhood were shut, and the windows and tops of the houses were crowded with spectators.—On every side, mingled with execrations of the murderer, were heard fervent prayers for the speedy detection of his accomplice or accomplices.

## BENJAMIN WALSH, ESQ.

(MEMBER OF PARLIAMENT FOR WOOTEN BASSET,)

*Convicted of feloniously stealing a large Sum of Money, from Sir Thomas Plomer, his Majesty's Attorney-general, and pardoned on a case reserved for the Opinion of the twelve Judges.*

MR. WALSH had long been known in the city of London as a dashing mercantile character. In co-partnership with a Mr. Nisbett, about six years ago he contracted with the chancellor of the exchequer for the lottery of fifty thousand tickets. This proved, to such a man as Walsh, a very lucky speculation. He rubbed off his debts by a statute of bankruptcy; and he soon procured for himself a seat in the parliament of his country!

The meeting of the creditors under the commission against Walsh and Nisbett, brought to light some of the *finesse* practised by lottery contractors, and lottery-office keepers; and which should be told to every one.

One of the daily papers relates, that, on Tuesday the 12th day of November, 1808, the first meeting of the creditors under this bankruptcy took place. The commissioners were, Sir Frederic Eden, Mr. Hickey, Mr. Reynolds, and Mr. Chambers. The counsel were, Mr. Cullen, for Mr. Bish, the Lottery-office keeper; Mr.

Freshfield, for the gentlemen of the Bank ; Mr. Montague, for Mr. Whiting, the printer ; Mr. Burroughs, for Mr. Eyton, Mr. Pollock, &c. &c.

The claims of a few persons for pastry and other private commodities were admitted. Mr. Whiting's (the printer) claim was sworn to, and about to be admitted, as was that of Mr. Bros, at the Bank, and Mr. Bish ; but Mr. Montague, as counsel for Mr. Whiting, stated, that he should object to persons who were subscribers in Walsh and Nisbett's list proving, under the idea of their being partners, and as he conceived Mr. Bish was not only a great person in this business, but also a great creditor, he should like to try his strength with him first. Mr. Bish was on oath, and Mr. Montague put several questions to him, chiefly whether he conceived himself as a partner with Messrs. Walsh and Nisbett.—Mr. Bish answered, that he conceived that if there *really* was a profit on the lottery, he was entitled to a share on 854 (the number of tickets he had subscribed for) as that bore to 50,000, the number of tickets which the two lotteries consisted of. Mr. Burroughs then asked a variety of questions of Mr. Bish, as to the nature of the contract for a lottery, and whether he did not know of his own knowledge, that in the late lotteries the most gross, infamous, and scandalous practices had been used to make false sales, and thereby raise the price of the transfer of tickets from the original subscribers to other persons. Mr. Bish answered that such practices had been used, but that he was no ways privy to them, but was the instrument in detecting them. Mr. Burroughs asked him when he first thought so. Mr. Bish replied, " That he long suspected it ; but it was not untill about the beginning of last August that he was certain." He was then asked what was the nature of these practices. He replied, " The contractors sending round their agents to purchase tickets and snares to make a false sale appear on their books." Sir F. Eden said, " Then this practice, I presume, is what is termed *gobbling* in the newspapers." This practice seemed to meet the universal indignation of

all present. Mr. Cullen said, as counsel for Mr. Bish, he could not sit still and hear the least suspicion entertained that he was privy to this system of fraud; for his client had sent forth a printed paper to the public, deprecating the practice, and it was through his labours that this nefarious business had come to light. Mr. Cullen, in a long and eloquent speech, pointed out the nice distinctions between a partnership account and an individual account, in commercial affairs. Mr. Montague, Mr. Freshfield, and Mr. Burroughs, spoke very ably on the part of their clients; and after debating a variety of intricate points for upwards of three hours, the commissioners being divided two and two, a petition seemed to be generally recommended to the chancellor on this unprecedented and important business.

Notwithstanding all this clamour of creditors, Walsh and Nisbett bustled through their broken fortunes; and, from the counting-house desk, the former, as we have already observed, was placed in the seat of a legislator for his country.

Sir Thomas Plomer having entrusted him with a very large sum of money to purchase government securities, Walsh laid it out in the stocks of the United States of America in his own name, and was making his escape to that country, but was, however, fortunately overtaken by the arm of justice, at the port from whence he intended to fly his native country.

Walsh was pursued by the solicitor of Sir Thomas and a Bow-street officer, to Falmouth; to which port it was discovered he had fled by stopping his letters, under a government order, at the general post-office.

This degenerate legislator for his country, like the meanest felon, was arraigned at the bar of the Old Bailey, charged with feloniously stealing 22 Bank-notes of 1000*l.* each, and one Bank-note for 200*l.* the property of Sir Thomas Plomer, Knt. with intent to defraud him of the said sum of money—in other counts of the indictment the offence was variously charged, to which the prisoner pleaded Not Guilty.

Mr. Abbott opened the pleadings on the part of the prosecution.

Mr. Garrow, in stating the case on the part of the prosecution, observed, that if it had been possible for the prosecutor in this action to have extended indulgence or commiseration towards the unfortunate prisoner at the bar, the honourable and humane feelings and character of the prosecutor would have most willingly abstained from the present prosecution; but from the nature of the case he was called upon to discharge an important public duty, which was indispensable. He desired the jury would discharge their minds from any impression which might be made by what they might have seen in the public prints, and be wholly directed by the evidence which should be adduced before them. The prosecutor was his majesty's solicitor-general, and had long been acquainted with the gentleman whom he had now the painful duty to prosecute. His father had been a director of the Bank of England, and from this the prosecutor was induced to entrust the prisoner as a stock-broker. He then proceeded to state the case, as it appeared in evidence, and which we prefer giving in the detail, from which he concluded, that at the time of the prisoner's getting the means into his power, it was his intention to perpetrate the felony. As to the question of law, he took it from the oldest authorities, that the crime of larceny was imputable to the prisoner. The crime of simple larceny was sufficiently known and well defined; it was feloniously taking the personal chattels against the will, and without the knowledge, of the owner, with intent to convert them to his own use, and upon the evidence it would appear that the prisoner at the bar had taken this money with no other intent.

Sir Thomas Plomer being sworn, stated, that he had for many years employed the prisoner as a stock-broker, and in the month of August last apprised him that he had made a contract for the purchase of an estate, for which he was to pay at Michaelmas, and it would be necessary for him to sell out stock to a considerable amount: the prisoner advised at that time to postpone selling out,

as he expected a considerable rise in stock, and the longer he postponed it the better ; but, in November, the prisoner urged him strongly to sell out, as stock would fall considerably, saying, he had consulted the most intelligent persons upon the subject ; and, in consequence of this, he gave him authority to sell out stock to the amount of 13,400*l.* three-per-cents. and 18,600*l.* reduced consols. On the following day he called at the prisoner's office in the city, who told him he had made the contract for the sale, and it was agreed to be transferred on the Wednesday or Thursday following, which accordingly took place ; and he then consulted the prisoner on the best way of disposing of the money until he should want it, and he advised the purchase of exchequer bills, but it was then, he said, too late in the day for that purpose. The next day the prisoner called at his chambers in Lincoln's-inn, and he gave him a check on Messrs. Goslings, his bankers, for 22,000*l.* for the purpose of purchasing these exchequer bills, and he promised to return with them that day at four o'clock ; this was Thursday, the 5th of December. He returned about half-past four, appeared agitated, and complained of an asthma ; and after a little pause told him he had made the contract with Mr. Trotter, Mr. Coutts' broker ; but the exchequer bills could not be delivered until Saturday, as they were locked up in the Bank, and Mr. Coutts was not in town ; and that he should call on that day at three o'clock. At that time he produced 6000*l.* exchequer bills, which he said he would lodge with his bankers, along with the receipt for the balance. He afterwards inquired at his bankers', and found the exchequer bills for 6000*l.* were lodged, but no receipt, and he never saw the prisoner after until he saw him in Bow-street. The witness then referred to the letter he had received, which has been already published.

Upon his cross-examination by Mr. Scarlet, he admitted he had given the check for 22,000*l.* for the express purpose of purchasing exchequer bills ; as his stock-broker, he did not give any particular injunction as to

the mode of obtaining the money for the check, but left it to his own discretion.

The several letters from the prisoner to his brother, and others, which were intercepted, were read in evidence.

William Ewins, clerk at Goslings and Co.'s, proved the payment of the check for 22,000*l.* to the prisoner in person; and Mr. William Hannan proved the purchase of 6,500*l.* in exchequer bills, by order of the prisoner; and George Hankley, his clerk, proved the delivery of them to the prisoner.

Mr. Ennis De Beirdt, a broker of American stock, proved the prisoner having commissioned him on the 29th of November, to purchase 10 or 11,000*l.* American stock, for a gentleman going to that country. The purchase was completed; and on Thursday, the 5th of December, about twelve o'clock in the forenoon, the prisoner paid him in 11 bank notes, of 1000*l.* each, for 10,459*l.* 19*s.* American stock; and the witness gave him a check on his bankers for the balance.

Mr. Joseph Walsh, brother of the prisoner, proved a payment to him of 1099*l.* odd, on the 5th of December, due to him by his brother some time.

Thomas Clark, the brother-in-law of the prisoner, also proved a payment to him by the prisoner on the same day, of a 1000*l.* bank note, and he gave him a check on his banker for 600*l.* leaving in his hands 400*l.* Henry Atwright, clerk of the prisoner, proved his having changed a bank note for 1000*l.* given to him by the prisoner on that same day.

Here Mr. Garrow took occasion to observe, that there was not the slightest grounds of suspicion that any of the witnesses had any previous knowledge of the prisoner's intention.

Mr. Charles, of the Bank of England, proved his having made the contract with the prisoner for the purchase of the stock sold out by Sir Thomas Plomer.

Joseph Hearn, a silversmith, proved the purchase of 300*l.* in Portuguese doubloons from him by the prisoner, on the 5th of December.

Mr. James Webb, a hosier, in Threadneedle-street, proved the prisoner's coming to town in the Hackney stage, on the morning of the 5th December—his leaving a travelling portmanteau and great coat at his shop, and returning for them in the evening, and purchasing a dozen pair of woollen boot-stockings, and four night-caps.

Mr. Jenkins, solicitor to sir Thomas Plomer, proved the subsequent arrest of the prisoner at Falmouth.

The case on the part of the prosecution being closed—the prisoner declined making any defence.

Mr. Scarlet, for the prisoner, in addressing the court, hoped he would not be understood to entertain any other sentiments of this offence, than a conviction of the moral turpitude of the prisoner; and he was satisfied the prisoner himself entertained no other sentiment, and felt all the contrition belonging to such a crime; but it now became his duty to make such objections as occurred to him:—First, there could be no charge of this sort for stealing the check, for it was in evidence the prosecutor had given it to the prisoner for a specific purpose; and it was not altogether misapplied, for he had purchased some exchequer bills, and the law did not allow the act of felony to be in part separated. The second objection was under the statute of the second year of the reign of George II. by which the security intended by the legislature was to such property as was still available to the party himself—in this case the prosecutor had parted with all controul over the check by delivering it to the prisoner. Thirdly, the felonious intent of the party taking was not in itself sufficient to constitute a felony when the party to whom the property belonged had relinquished his controul over it; and, in support of these objections, he referred to several cases in point.

After some observations by Mr. Garrow, Mr. Scarlet, and Mr. Alley, it was agreed that the jury should find a verdict subject to the future judgment of the twelve judges upon the chief baron's report.

The chief baron acquiesced in this arrangement, and then addressing the jury, adverted to that part of the

evidence which went to shew the previous intent of the prisoner to commit the felony. Observing, at the same time, that it was impossible, upon such evidence, not to find the prisoner guilty; who, in consequence of the objections made by his counsel, would have all the benefit of the judgment of the twelve judges hereafter.

The jury immediately returned a verdict of—Guilty.

During the whole of the trial the prisoner was much affected; but particularly when that part of the letters were read relative to the situation of his wife and children.

The court was exceedingly crowded from an early hour; and several members of both houses of parliament attended to witness this extraordinary trial.

The judges who presided at the trial of Walsh, by no means satisfied with the verdict, reserved a case for their brethren. The result of their opinion will be found in the following report of the lord chief baron, and the pardon of the Prince Regent:

“THE LORD CHIEF BARON TO MR. SECRETARY RYDER.

“SIR,

“February 15, 1812.

“I have the honour to acquaint you, for the information of his royal highness the Prince Regent, that Benjamin Walsh was indicted before me at the last sessions holden at the Old Bailey, for stealing from sir Thomas Plomer a certain order for the payment of 22,200*l.* and also stealing bank-notes to that amount.

“The facts of his having formed the design of converting this money to his use, and of actually so converting much the greater part of it, were proved without contradiction.

“But doubts having occurred to Mr. Justice Le Blanc and myself, (Mr. Justice Chambre being absent from indisposition), the case was reserved for the judges to consider whether the facts proved amounted to the crime of larceny.

“The argument of council concluded last night; and the case was considered by ten judges present (two being



confined by illness), who were of opinion that the facts proved did not, in estimation of law, amount to felony.

“The prisoner having been convicted of that offence, I am humbly to recommend him as a *proper object* of his majesty’s pardon.

“I am, &c.

(Signed)

“AR. MACDONALD.”

“BENJAMIN WALSH—FREE PARDON.

“In the Name and on Behalf of His Majesty.

“GEORGE P. R.

“Whereas Benjamin Walsh was, at a session holden at the Old Bailey in January last, tried and convicted of felony, but judgment was respited; We, in consideration of some circumstances humbly represented unto Us, touching the said conviction, are graciously pleased to extend Our grace and mercy unto him, and to grant him Our Free Pardon for his said crime: Our will and pleasure therefore is, you cause the said Benjamin Walsh to be forthwith discharged out of custody; and for so doing this shall be your Warrant.

“Given at our Court at Carleton House, the 20th day of February, 1812, in the 52d year of our Reign.

“By the Command of His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty,

“R. RYDER.”

“To our trusty and well-beloved our Justices of Gaol Delivery for the City of London and County of Middlesex, the Sheriffs of the said City and County, and all others whom it may concern.”

The commons expelled Walsh from his seat in their house; and he was again made a bankrupt, whereupon sir Thomas found himself entitled only to a pitiful dividend under the second commission.

## WILLIAM CUNDELL AND JOHN SMITH,

*Executed at Horsemonger-lane, Southwark, the 16th of March, 1812, for High Treason, in joining the French, in the Isle of France.*

A SPECIAL commission was issued for the trial of these men, and which was opened by the lord chief baron on Monday the 6th of February, 1812, when William Cundell, alias Connel, one of the twelve British subjects, taken in the enemy's service at the Isles of France and Bourbon, was put to the bar. The jury being sworn, Mr. Abbott opened the case on the part of the crown. He was followed by the attorney-general, sir Vicary Gibbs, who stated the facts charged against the prisoner, and explained the law, as applicable to them, under the statutes of the 25th of Edward III. and Henry VIII. He then proceeded to call evidence in support of the indictment.

J. Wath stated that he was shipmate with the prisoner on board the Laurel, which was captured on the 12th of September, 1808, and carried into the Isle of Bourbon. The prisoner had informed him that he was born at the Sheds of Clontarf, near Dublin. He, with himself, and the rest of the crew, were put in confinement at Port Louis, and in about three months afterwards he saw him at liberty, dressed in a French soldier's uniform, namely, white turned up with blue. The prisoner continued at large, in this manner, doing duty as a French soldier, until the island surrendered to the British forces. Witness himself entered the French service as a soldier, and wore the uniform.—On his cross-examination, he admitted that he was liberated at the same time with the prisoner. The prison in which the crew had been confined was on the ground-floor, and the crews of the two ships were confined in one room. They were very much annoyed with vermin. He never saw so much vermin in any place before. When he deserted to the French service, he was in a state of intoxication, and he was threat-

ened, if he went back to the English, with something that would not be good for him. They kept him from going back for that reason.

T. Mitchell, master-at-arms, proved that he had heard the prisoner say, on board the Royal William, when in confinement, that he was bred and born an Irishman.

Captain Woolcombe, commander of the Laurel, proved that he saw the prisoner very near a hundred times in the street of Fort Louis, walking about in a French uniform, in company with the French soldiers.

Lieutenant R. P. Brereton, of the Sea Flower, which had been carried into Port Louis, swore that he saw the prisoner in a French uniform, and that he wore a French national cockade. The uniform was *red* turned up with *green*. The prisoner had been centinel over the British officers, whom he treated with great insults.

Several other witnesses were examined for the prosecution, all of whom described the uniform worn by the prisoner to have been *white* turned up with *blue*.

Mr. Brougham then addressed the jury on behalf of the prisoner. He laid particular stress on the circumstance that, although 50 British had entered the French service at the same time with the prisoner; although, by the terms of the capitulation with the British commander at the surrender, all the soldiers of the French, without any exception of deserters, were to be conveyed to France; although a great number of the English who had entered the French service when they had the option given them by the French commander, either to go with the French troops to France, or rejoin the British, had traitorously chosen the former alternative, and continued in the French service; yet the prisoner and eleven others, now indicted with him, had used the first moment they were allowed a free option, and preferred surrendering themselves to the British troops, at all risk, relying on the clemency of their country. As all the witnesses, with the exception of lieutenant Brereton, described the prisoner as having worn a white uniform turned up with blue, it was evident that he could not have been the person described as having insulted the British officers.

Captain Willoughby was the first witness called on the part of the defence; but, not answering, Mr. H. Cook, clerk to the agent of the admiralty deposed, that the captain had been sent for by the attorney-general, and came to the Sessions-house in a hackney-coach, but was obliged to go away again so unwell as to be incapable of staying to give evidence without great danger to his health. W. Reynolds, G. Armstrong, and J. Fibbs, the two latter standing indicted for high treason, were then examined for the defence.—Their testimony merely went to prove, that the prison in which they were confined was uncomfortable, and their captivity irksome. They deposed, however, that at the time the British forces were off the island, they were imprisoned, and, on being asked to accompany the French troops, they all positively refused so to do, and when the opportunity arrived, immediately surrendered to the British army.

Mr. Jones then spoke in evidence for the defence, and the attorney-general in reply.

The lord chief baron summed up the evidence, and the jury, after a short absence from court, returned with a verdict of—Guilty. They, however, recommended the prisoner to mercy, upon the ground of his having returned to his allegiance when an opportunity offered.

Cornelius Parker was put to the bar. From the evidence in this case it appeared that the prisoner was born in the parish of Sedgeley, in Staffordshire, and continued there until he entered the Staffordshire militia; from which he volunteered into the marine service, on board the *Magicienne*, and was taken prisoner, and carried into the Isle of France; where he went into the French service, wore their uniform, bore their arms, and acted in all respects as a French soldier; and that he had endeavoured to induce J. Young, a private marine, and also a British prisoner, taken with himself, to enter into the French service, saying, that he was happy at what he had done, and did not at all repent it. Verdict—Guilty.

The next prisoner put to the bar was John Tweedale alias Tweddle. It was clearly proved that the prisoner

had repeatedly acknowledged himself to be a native of Liverpool, bred a saddler, and having followed business there; that he was afterwards a private marine on board the *Iphigenia* frigate, which was taken by the French, and carried into the Isle of France; and that being confined as a prisoner of war he voluntarily entered as a soldier in the French service, and acted in conjunction with the French troops, although he afterwards voluntarily surrendered himself to the British on the capture of the island.

On Wednesday the 8th of February, 1812, C. Bird a seaman belonging to the *Iphigenia*, was put to the bar.

J. Lowe and T. Westlake, his ship-mates, swore to his having been seen by them in the French uniform in the Isle of France.

Elizabeth Westlake, wife of the last witness, stated that before the *Iphigenia* struck, the prisoner said he hoped they would be taken, and when she did actually strike, he observed, "that he was very glad, and that he would go into the French service." The witness was suffered to go to market at Port Louis, attended by a centinel; and, about five or six weeks after the *Iphigenia* surrendered, she met the prisoner in the market, dressed as a French soldier. On her cross-examination, she admitted, that she had some difference with the prisoner about some property of Captain Lambert's, which she saw him take; but denied that she had ever suffered him to take any liberties with her.

Captain Lambert, of the *Iphigenia*, and captain Curtis, of the *Magicienne*, had frequently seen the prisoner in the French uniform. The latter added, that he had frequently saluted him, and other British officers.

The prisoner being called upon for his defence, endeavoured to impress a belief that he was induced to put on the French uniform with a view of escaping from the island, and also of endeavouring to minister to the comforts of his countrymen in captivity. He attributed to the female witness malicious motives for the evidence she had given, and more particularly her assertion that he

had robbed his commanding officer, in consequence of his having discovered her in an improper situation with a French officer. He put it to the judgment of the court, whether a man, who had fought and bled in the service of his country—whose father was a veteran soldier, of 40 years' service in the army, and two of whose brother's were at this moment serving as officers, in defence of their country, would desert that king and country to which he owed allegiance, from affection and duty. He left them to judge of his conduct, from the circumstance of his returning home to take his trial, and indignantly rejecting the offer of going to Old France when made to him, at the time the island capitulated.

Martin Ryan, a seaman, who was a prisoner in the Isle of France, deposed to the humane and benevolent conduct of Bird to his countrymen in prison, and stated, emphatically, that Bird did all in his power to dissuade the English prisoners from deserting to the French cause.

Lieutenant Grimes of the *Iphigenia*, said, that the prisoner was always a willing hard-working man, and ever desirous of satisfying his officers.

Mr. Brougham then addressed the jury upon the evidence with considerable eloquence; and, after a reply from the attorney-general, Sir S. Le Blanc summed up the evidence. The jury having then retired, after an absence of half an hour, returned with a verdict of—Acquittal.

During their absence, a new jury was sworn, and J. Quigley, another seaman belonging to the *Iphigenia* was put upon his trial. He was found guilty, but strongly recommended to mercy by the jury.

On Thursday the 9th of February, 1812, J. Smith was put to the bar. The indictment imputed to him, in addition to having entered the French service, that he assisted the enemy in making slides for carronades, and that he enticed one J. Mackenna, and certain others to join the enemy. The charge was proved by Mackenna, and several persons taken along with the prisoner in

the Magicienne, and the jury returned a verdict of—Guilty.

G. Armstrong was next put to the bar.

From the evidence it appeared, that the prisoner had been two years in the French service; and had acted, on two or three occasions, as a guard over British officers, among whom was Lieut. Brereton, who positively swore to his person.

The prisoner, in his defence, said he had left prison with a view of getting employment as a shoemaker, in which trade he had been brought up. He denied ever having served as a soldier: and mentioned his having attempted to escape to the British cruizers.

Three witnesses were called in support of his assertions; they, however, confirmed the fact of his having entered the French service; but bore testimony to his having worked as a shoemaker, and having attempted to escape; for which attempt he was severely punished, having had his eye knocked out, and his arm broken. The prisoner was found—Guilty.

On Friday, the 14th of February, 1812, S. M<sup>r</sup>Farlane was charged, in addition to having entered the French service, with attempting to entice one J. Curtis to follow his example: with assisting and guarding his fellow-countrymen; and previous to his entering the French service, expressing his determination so to do.

The prisoner attempted to impress upon the court a belief that he assumed the French uniform for the purpose of effecting his escape to England.

The jury after having heard a short address from Mr. Brougham, and the reply of the attorney-general, brought in a verdict of Guilty—but recommended him to mercy, on account of his not having been found in arms.

J. Teaster, alias Tester, was then put to the bar, when the attorney-general, in a pathetic address to the jury, stated, “That the object of these prosecutions is to shew that offenders, such as those whose fate has been decided, cannot escape the bands of justice; a fact which it is necessary should be publicly impressed on the minds of

those engaged in the service of the country. Many more persons than those who have been brought to trial, were found acting in a similar manner. There were reasons, however, for selecting those men who have been tried, as well as those who remain to be tried. Their cases, however, could not be as accurately examined by those who had the opportunity of making the selection as by myself. I have had an opportunity, from the closest and most minute attention, of investigating the particulars of every charge, and I think the ends of justice are answered, and that those who have been tried will furnish a sufficient example to deter others from the commission of a like offence. I would not have it understood that those who remain have been selected at hazard. No; the cases of these men have been looked into, and there are circumstances of alleviation in their conduct, which forms a very considerable shade of difference between their guilt and that of the men who have been convicted, and such as justified me in not bringing their delinquency before you. After what has passed, in ending the prosecutions here, I hope the prisoner at the bar will consider, and I hope his attorney will tell the other prisoners, who know well what they have done, and how deserving they are of punishment, that this course arises from the most humane motives."

Mr. Brougham bore testimony to the extreme humanity which had marked the conduct of the attorney-general, as well as of government, throughout the whole of these trials. For his own part, he had to express the strongest gratitude for the indulgence which had been shewn him as counsel for the prisoners, and cordially hoped the ends of justice might be served by the effect of the proceedings already taken.

The prisoner at the bar, in consequence of there being no evidence, was then acquitted, as were the three prisoners, F. Lahey, alias Le Hay, J. Tibbs, and N. Francis, whose countenances sufficiently evinced the feelings of their hearts.

The attorney-general desired they might understand they were acquitted, not from any difficulty to prove



their guilt, but from the clemency of the crown ; which he hoped would have a proper effect on their future conduct. They all expressed their thanks in becoming language, and retired.

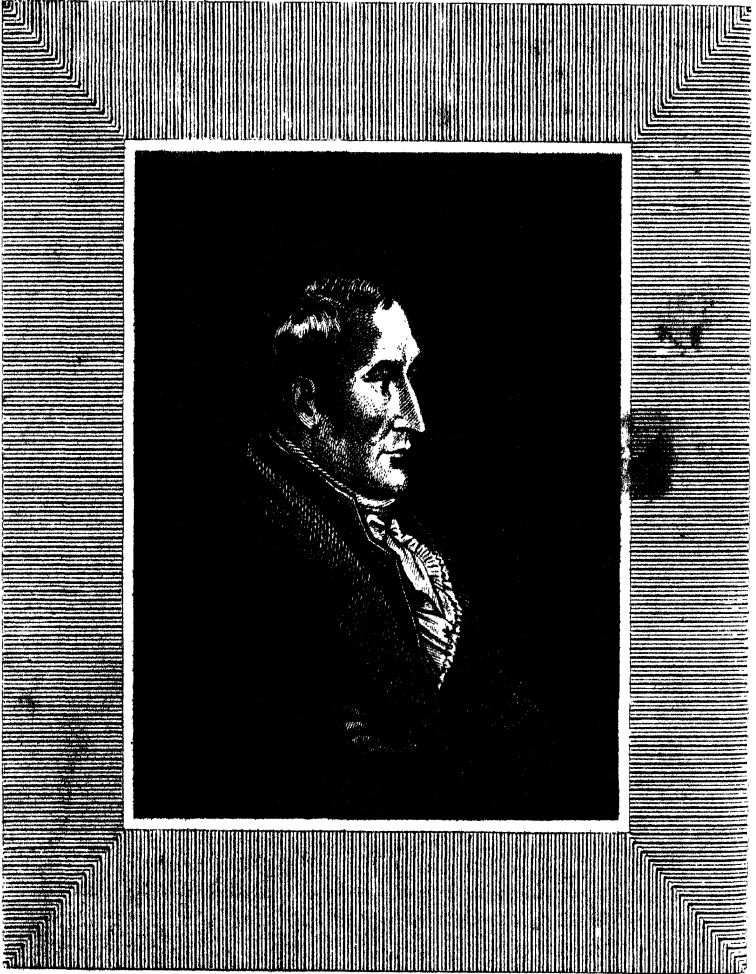
The seven unfortunate men who have been convicted, namely, William Cundell, alias Connell, Cornelius Parker, John Tweedle, alias Tweddel, John Quigley, John Smith, George Armstrong, and Samuel M'Farlane, were then brought to the bar, when the clerk of the court asked them what they had to say—why judgment of death should not be passed upon them, Cundell made no reply, but bowed respectfully to the court. Tweedle and Parker fell on their knees, and, with looks of despair, regarded their interrogator, but did not utter a syllable. Quigley expressed his sincere repentance for his past errors ; and, in a tone of voice rendered almost inaudible by grief, vowed, if he was permitted, that he would fight for his king and his country as long as there was a throb in his heart, or a drop of blood in his body. Smith, Armstrong, and M'Farlane all fell on their knees, and begged for mercy.

The lord chief baron then proceeded to pass sentence, after a suitable address—“ That you, and each of you, be taken to the place from whence you came, and from thence be drawn on a hurdle to the place of execution, where you shall be hanged by the necks, but not till you are dead ; that you be severally taken down, while yet alive, and your bowels taken out, and burnt before your faces ; that your heads be then cut off, and your bodies cut in four quarters, to be at the king's disposal.”

The prisoners were then, after again crying for mercy, re-conducted to their cells. Almost every individual in court was dissolved in tears during the melancholy scene.

On Monday morning the 16th of March 1812, Wm. Cundell and John Smith, pursuant to their sentence for high treason in the Isle of France, were hung, and afterwards beheaded, at Hersemonger-lane, in the presence of some thousands of spectators, and their remains then delivered over to their respective friends for interment. During this melancholy occasion the sight was distressing.





JOHN BELLINGHAM

At eight o'clock, these two young men were conducted from their cells to chapel, from whence, after remaining some time, they were drawn on a hurdle to the place of execution, and having, with becoming fortitude, ascended the scaffold, attended by the clergymen, they again spent a short period in prayer, seemingly thoroughly sensible of the fate fast approaching them. The dreadful moment having at length arrived, they were launched off, and their bodies, after hanging nearly half an hour, were taken down. The scene then, while the executioner was performing that part of the remaining sentence, in severing off their heads, and alternately with his right hand presenting each to the surrounding spectators, exclaiming, "Behold the head of a traitor!" became truly awful, and apparently dissolved in tears each individual who beheld the fate of two men, who thus in the bloom of life suffered death, according to the laws of their country.

The remaining five of these traitors to their country, were pardoned on condition of serving in colonies beyond the seas.

## JOHN BELLINGHAM,

*Executed before Newgate, the 18<sup>th</sup> of May, 1812, for the Murder of the Right Hon. Spencer Percival, Chancellor of the Exchequer.*

IN the year 1804, John Bellingham—who had been brought up in a counting-house in London, and afterwards lived three years as clerk with a Russian merchant at Archangel, whence he had returned to England—went again to Russia on mercantile business—was there twice imprisoned, on what he himself has represented as false and groundless charges—and was, according to his own account, treated with very great severity and indignity. During the course of this treatment, he made repeated applications and complaints to lord Levison Gower, the British ambassador at Petersburgh, and to sir Stephen

Sharpe, his secretary of legation, but without obtaining the desired redress. At length he regained his liberty in 1809, and returned to England, impaired in health by the severities he had endured, and (if his own statement be correct) ruined by the expenses to which he had been subjected.

After his return from Russia, Bellingham made application to different branches of his majesty's government, in hopes of obtaining a compensation for the sufferings and losses which he said he had sustained, through the culpable neglect (as he considered it) of lord L. Gower and his secretary to defend the rights of a British subject: but he was disappointed in his hopes, and informed that his claims were unfounded and inadmissible.

He next determined to submit his case to the consideration of parliament: and, with that view, requested the interposition of general Gascoyne, member for Liverpool—where Bellingham now had his residence, and carried on business as an insurance broker. The general consented to present his petition, provided it were countenanced by Mr. Perceval; the sanction of the chancellor of the exchequer being usually deemed requisite in case of any application for a pecuniary grant. Accordingly, in May, 1810, the complainant wrote to Mr. Perceval, "petitioning" (as he himself expressed it on his trial) "for leave to bring in a petition," but was informed, in answer, that Mr. Perceval thought his petition "not of a nature for the consideration of parliament."

After this, in February and March, 1812, he applied to the regent and to the privy council, but with as little success as had attended his former efforts; and, on an application to Mr. Secretary Ryder for permission from his majesty's ministers, to present his petition to the house of commons, he was informed that he "should address his application to the chancellor of the exchequer."

As Mr. Perceval had already given him a decided negative, he clearly saw that another unbacked application from himself alone would be fruitless: he, therefore, (on the 23d of March) sent to the Bow-street magistrates

the particulars of his case, inclosed in a letter, of which "the purport" (says he) "is, once more to solicit his majesty's ministers, through your medium, to let what is right and proper be done in my instance:"—and his letter concludes with the following remarkable threat, which, however, appears to have excited neither apprehension nor suspicion—"Should this reasonable request be finally denied, I shall then feel justified in executing justice myself; in which case, I shall be ready to argue the merits of so reluctant a measure with his majesty's attorney-general, wherever and whenever I may be called upon so to do. In the hopes of averting so abhorrent but compulsive an alternative, I have the honour to be," &c. —The magistrates communicated the contents of his packet to the secretary of state: but the only result was a new disappointment.

After this, on personal application at the secretary of state's office, having intimated his intention of "taking justice into his own hands," he was (according to his own account) informed by Mr. Hill, that he was at "liberty to take such measures as he thought proper"—a declaration, which he considered as a "*carte blanche*" from government to act as he pleased—a defiance to "do his worst."

At length, in the evening of the 11th of May, he took his station behind one of the folding doors of the lobby of the house of commons, which is usually kept shut; where any person, entering through the other, must necessarily have passed close by him.—About a quarter past five, the ill fated chancellor of the exchequer made his appearance; when the assassin instantly shot him in the breast. On receiving the wound, Mr. Perceval reeled a few paces, and fell to the floor, faintly exclaiming, "Oh! I am murdered!" He was immediately raised by two gentlemen present, and carried to the speaker's apartments: but in two or three minutes he was lifeless.

The news of this shocking transaction being rapidly disseminated, a cabinet council was immediately summoned—the mails were stopped, until orders could be

dispatched in every direction for the preservation of the peace throughout the country, and a great crowd being assembled in the vicinity of the house of commons, the horse guards were called out—the foot guards paraded in the Park—and the city militia, with several corps of volunteers, called upon to preserve the peace of the metropolis.

Meantime the assassin made no attempt to escape: he did not even drop or conceal the pistol which he had used, but continued to hold it openly in his hand; and, on a gentleman's asking aloud, "Where is the rascal that fired?" he stepped forward to the inquirer, coolly replying, "I am the unfortunate man," and quietly surrendered himself a prisoner.—On search, a loaded pistol was found in his pocket—the fellow to that which he held in his hand.

He was taken to the bar of the house of commons, and, during his examination there, shewed himself perfectly cool and collected—acknowledging the fact, and even endeavouring to justify it.—After his examination, he was (about one in the morning, and under a strong military escort,) conducted to Newgate, and was conducted into a room adjoining the chapel.

One of the head turnkeys, and two other persons, sat up with him all night, and he retired to bed soon after his arrival at Newgate; but was very disturbed, and had no sound sleep during the night. He rose soon after seven o'clock, and requested some tea for breakfast as soon as convenient, which was accordingly sent to him with some bread and butter, of which he eat but little. He was visited by the sheriffs and a few other public characters, but no private persons were suffered to see him. He conversed very cheerfully with the sheriffs, and others who were in his room, and expressed no regret for the deed which he had perpetrated, conceiving himself, as he stated, justified in what he had done; and that it now only remained for the laws of his country to determine the nature of his guilt, which he did not seem to view in a criminal light. He stated that the question would soon be tried, when it would be seen how far he

was justified. He considered the whole as "a private matter between him and the government, who gave him a *carte blanche*, to do his worst, which he had done."

Alderman Combe, as one of the committing magistrates, was very active in his endeavours to trace Bellingham's connections and habits, and for that purpose went to the house of a respectable woman where he lodged in New Milman-street, but could learn from her nothing that indicated any conspiracy with others. His landlady represented him as a quiet inoffensive man, though at times rather eccentric, which she instanced by observing, that when he had lodged there only three weeks, at 10s. 6d. per week, she was surprised to find that he had given her servant maid half-a-guinea for herself. On being told the deed which he had perpetrated at five o'clock, on Monday the 11th May, 1812, she said that was impossible; for that she had met him a few minutes before that time, when he told her, that he had just been to buy a prayer-book. She represented him as of a religious turn of mind.

He requested to have pen, ink, and paper, to write some letters to his friends, and he accordingly wrote one to his family at Liverpool, which was delivered open to Mr. Newman, but we do not know its contents. The following was sent to Mrs. Roberts, No. 9, New Milman-street, the lady at whose house he lodged. It will serve to shew the state of his mind in the miserable situation to which he had reduced himself:

*Tuesday Morning, Old Bailey.*

DEAR MADAM,

Yesterday midnight I was escorted to this neighbourhood by a noble troop of light horse, and delivered into the care of Mr. Newman (by Mr. Taylor, the magistrate, and M. P.) as a state prisoner of the first class. For eight years I have never found my mind so tranquil as since this melancholy but necessary catastrophe: as the merits or demerits of my peculiar case must be regularly unfolded in a criminal court of justice to ascertain the guilty



party, by a jury of my country ; I have to request the favour of you to send me three or four shirts, some cravats, handkerchiefs, night-caps, stockings, &c. out of my drawers, together with comb, soap, tooth-brush, with any other trifle that presents itself, which you think I may have occasion for, and inclose them in my leather trunk, and the key please to send sealed, per bearer ; also my great coat, flannel-gown, and black waistcoat, which will much oblige,

Dear Madam,

Your very obedient servant,

JOHN BELLINGHAM.

To the above please to add the prayer-book.

To Mrs. Roberts.

He eat a hearty dinner soon after two o'clock ; requested to dine at that hour in future ; and, after passing the rest of the day in a tranquil manner, he retired to bed at twelve, and slept till seven next morning, being attended by two persons all the night. He breakfasted about nine o'clock in the morning, and appeared quite composed, talking with apparent indifference about his trial, and repeating his former statements. The sheriffs, accompanied by several other gentlemen, visited Mr. Bellingham next morning, and found him nearly in the same state of mind as yesterday ; but, on entering into conversation with him respecting the melancholy subject of Mr. Perceval's assassination, he became less tranquil, persisted in vindicating the act, and said, when his trial came before a jury of his countrymen, it would then be determined how far a minister was justified in refusing justice to an injured individual. Had he shot Mr. Perceval from personal malice he should have been worse than a brute. It was the minister, and not the man, that led him to commit the deed. He further declared, that had he a million of lives to lose, they would not prevent him from pursuing his object in the same way.

On Friday morning, May 15th, four days after the murder of Mr. Perceval, at half-past ten o'clock, the judges, lord chief justice Mansfield, baron Graham.

and sir Nash Grose, entered the court of the sessions house in the Old Bailey. The prisoner was immediately ordered to the bar. He advanced slowly, with the utmost composure of countenance, and bowed to the court.

Mr. Alley, the prisoner's counsel, applied to the court to put off the trial, on the ground that the prisoner was not in a competent sanity of mind, and ought not to be called upon to plead; but the court over-ruled his motion.

The prisoner being called on to plead, said, that "he was so situated, his documents, papers, and vouchers, having been taken from him, that he could not safely proceed to trial. If, as he understood, those documents would not be restored till after his trial, it would be totally impossible for him to enter on his justification."

The attorney-general was proceeding to explain to the court what had been done with reference to the prisoner's papers, when—

Chief justice Mansfield interrupted him, observing, it was necessary the prisoner should first plead.

The prisoner was again interrogated, when he pleaded "Not Guilty," to both counts of the indictment.

The Attorney-general—"I will now answer what has fallen from the prisoner. He says, he has been denied access to his papers. It is true, that government, for the purposes of justice, has retained them—but it is also true, that he has been informed, if he asked for them at the time of his trial, they should be ready; and any of them, which he might think useful to his defence, should be given to him. And, in the mean time, if he considered it necessary, he might have copies of them. This we are ready to verify on oath."

The clerk of the arraigns, Mr. Shelton, then read the indictment, which was couched in the usual form—the first count charging the prisoner with the wilful murder of the right honourable Spencer Perceval, on the oath of certain persons—and the second charging him with the same offence on the verdict of the coroner's inquest.

Mr. Abbott opened the pleadings. He stated, in the

customary form, the crime with which the prisoner stood charged.

The attorney-general—"May it please your lordships—gentlemen of the jury—a lamentable and painful task devolves upon me, to state to you the circumstances of this horrid murder—a crime perpetrated on a man, whose whole life, I should have thought, would have guarded and protected him against such an attack—who, I am sure, if enough of life had been left him to see by whose hand he had fallen, would have spent his last moment in uttering a prayer for the forgiveness of his murderer. But this is not a time for me to dwell on the private loss—its brightest ornament has been torn from his country—but the country has done justice to his memory. These, however, are not considerations by which you must permit yourselves to be swayed. It is not revenge, nor is it resentment, that ought to have any influence on your consideration of the question. You are to satisfy public justice—to take care, by your verdict, this day, that the public shall not be exposed to the perpetration of such horrid crimes. With respect to the prisoner, who has committed this murder and assassination, I know nothing of his life, or how it has been spent, except so far as relates to the circumstances of the case. He was in business, and acted as a merchant—in the course of this transaction he shewed himself a man of sound understanding, in every act which he performed—he not only conducted his own affairs with understanding, but he was selected by other persons to manage theirs. Some three or four years ago, not finding his affairs prosper in this country, he was entrusted by a house, I believe in the north, to execute business of great importance. He went to Russia—and there, whether through his own misconduct, or by the justice or injustice of that country, I know not, he was thrown into prison, and applied to his Majesty's minister, Lord Levison Gower, and to the secretary of legation, Sir Stephen Sharpe, for assistance and remuneration for certain losses.—They, for reasons which it is unnecessary, and would be improper, for me to state, refused to grant

it. He then came to this country, and went on in the pursuit of his affairs in the regular mode. He found persons ready to avail themselves of his activity, experience, and knowledge, and by them he was employed. But he seems to have cherished in his mind a feeling of the propriety of making an application to government, to indemnify him for losses which he said he had sustained through the means of the Russian government; and he applied to many persons in this country, to assist him in procuring that recompence which he conceived he was entitled to. The grounds of his application were examined, as they always are, by his Majesty's ministers, who found them unworthy of attention, and therefore the claim was rejected. He then had recourse to another contrivance, which he hoped to have effected. As his Majesty's ministers did not wish to interfere, he became desirous of having his case laid before parliament; to see if he had friends enough there; to obtain that which he had in vain sought from government. He made application to various members of parliament, who declined complying with his request. He then applied to Mr. Perceval himself, the late minister, to countenance his claims; which according to the forms of parliament, was necessary to be signified to the house, when pecuniary assistance was prayed for. Governed by those principles of justice, which always regulated and directed his conduct, he did not think himself justified in acceding to the request, and he refused it. From the moment the prisoner found Mr. Perceval would not countenance what he called a remuneration; from that moment the desire of revenge took root in his mind. He had been resident in this city for four months; and, from the time he found his application would not be received, he made preparations for effecting the horrible purpose, which he at last fatally accomplished. He provided himself with a brace of pistols, he purchased ammunition, and was ready to take advantage of the first opportunity which offered to prosecute his revenge. And, for the purpose of greater certainty, he informed

himself of the time when Mr. Perceval usually attended the house. That every thing might be complete, he procured to be added, to the common dress he wore, a pocket at the side, to receive one of the pistols. On the day when this atrocious act was committed, he placed himself in the lobby of the house of commons, at the entrance, close to the door, and waited till the victim of his malignity was likely to appear. He prepared himself for the deed. And, just as he was passing the threshold, he discharged his pistol. It unfortunately took effect. Mr. Perceval died almost instantaneously! Under these circumstances, you have to say, whether the person who stands at the bar, be or be not the murderer? Whether he shall or shall not answer the justice of his country, for the act which he has performed?—Consider it not the murder of so eminent a person. Consider it as the murder of a common individual. Suppose the meanest subject to have suffered as Mr. Perceval did suffer, and pronounce your judgment as you would in that case! Is he or is he not guilty?—To that point you must direct your attention—and I know of no reason to cause even a doubt. But what remains?—This only remains—the attempt which was made this day to put off the trial on the ground of the prisoner being fit for this or any other crime, as he was afflicted with insanity. Let us consider this a little. The prisoner is a man conducting himself, like others, in all the ordinary circumstances of life—who carries on business himself, none of his family or friends interfering—no pretence suggested that he was not able to superintend his own affairs. Not only managing his business himself, but employed by others, in consequence of the high opinion they entertained of his understanding. To them there appeared no defect, no blemish on his mind. What clearer proof can be given to show, contrary to the defence set up, that this man was not what the law calls *non compos mentis*—that he was an accountable being? He manages his own affairs, and the affairs of those by whom he is employed, in a manner that no person complains of. What foundation is there then for raising,

not a presumption, but a pretence or a suspicion, of his insanity? I cannot answer that, for I have not occupied my mind with it—I know the cases where the plea of insanity will be received—where, for instance, a murder is committed by a person, whose mental infirmity may be considered as very nearly the absence of all mind. Against their defence there was no argument. But I am this day to learn, whether the wickedness of the act, which the prisoner is called on to answer, is to be considered an excuse for its perpetration. I can place my position in a stronger point of view, by supposing a case. Let me suppose, while the hand of this assassin was raised against the man whom he murdered, that it was suddenly arrested by the stroke of death, and it pleased God, for the sake of the family, the friends, and the country, of Mr. Perceval, to snatch the murderer from life. Let me suppose, on the morning of that day, the prisoner had either made a will, or entered into any obligation. Let me suppose that will or obligation to be called into question in a court of justice, and that his relatives had interfered to do it away, because he was not in a state of mind to act for himself. Travelling through the whole life of this man, what ground could they adduce for such a proceeding? His every act appears rational except one—and that is only irrational, because it is so horrid, that the imagination of man cannot fancy to itself the existence of so atrocious an act. Could a will, or a bond, so executed, be disputed in law? Let me suppose that evidence was given of his having *intended* to accomplish that which, unfortunately, he did accomplish. Let the preparation and the attempt be stated—let it be said, that the deed was all but carried into execution. Could these circumstances have been adduced in proof of a weak or insane mind, when he was shewn to have exerted, in every thing else, the most active, perfect, and sound understanding? And what does the argument of insanity in such a case amount to? It comes to this—you must conclude he was mad, because the act is a proof of madness; he must be insane, because the deed is so atrocious, the act is so enormous,

that none of those with whom we are in the habit of communicating in common life, have ever even imagined such guilt. But how far would this argument go? It must arrive at this conclusion, that every act of gross and unusual atrocity would carry its defence along with it. That every act of peculiar horror would have, within itself, a certain defence. For the barbarity of the deed would be considered as a proof that the mind which directed it was not in a state of sufficient sanity to judge, whether the action were right or wrong! This is the only point for consideration, in forming a just conclusion, whether the prisoner possessed such a mind, at the time of the assassination, as to distinguish right from wrong. For, if his mind possessed that power, he is criminally accountable for the act. And here I ought to explain that sort of insanity which renders void civil contracts, but does not affect the commission of crimes. A man may be infirm in mind, insufficient to dispose of his property, or to judge of the claims of his respective relatives; and, if he be in that situation, the management of his affairs may be taken from him, and vested in trustees: but such a man is not discharged from criminal acts, because he cannot transact civil business. I assert this on the authority of the first sages of this country, who have written on criminal law. It was the law of all periods, and never has been controverted. Though a man cannot execute his civil affairs, he is still considered an agent accountable for his criminal acts, if he has a mind that can distinguish right from wrong. And, in many cases which have occurred in courts of law, where the person had been proved, in many respects, to have evinced symptoms of insanity, up to a certain time, the question was, whether that insanity was of such a description as precluded or permitted the knowledge of right or wrong? In every one of those cases which recurs to my memory, though a certain degree of madness was proved, still, as the parties seem to have sufficient sense to distinguish between right and wrong, at the time of the perpetration of the acts, they were held to be criminally accountable. I will state two cases of this description, which are the most prominent on memory. In the year 1723,

a person of the name of Arnold was indicted for having shot at and wounded Lord Onslow. He was supposed to have been murdered; but the noble lord recovered. The act was proved beyond all controversy. The defence set up was insanity. It was proved, that, from his childhood, he could not conduct himself like a common man. Every act of his life shewed an insufficiency of understanding; to such an extent, that he was incompetent to conduct his own affairs; nor would his friends, or, indeed, any person, permit him to transact his own business. But it was proved that he entertained a causeless ground of hatred against Lord Onslow; that he had prepared himself for the attack; that he had purchased shot of a larger size than he generally made use of; that he had the act in view for some time before: and it was stated, by the learned judge who tried the cause, that if, from the circumstances adduced, a knowledge of right and wrong could be presumed, he was criminally accountable—and the jury being of the same opinion, he was found Guilty. The next was the case of Lord Ferrers, who was tried for the murder of Mr. Johnson, his steward. Mr. Johnson had resided in his lordship's family from his childhood; and, when the noble lord was separated from his wife, he was appointed receiver of the estates. Lord Ferrers then began to distrust and dislike this man, of whom he conceived great jealousy. Johnson, it seemed, would not assist him in the furtherance of designs, which he considered unlawful. Against him his lordship cherished an implacable resentment, and determined on revenge. He concealed it in his own breast, and made the necessary preparations for the foul deed. He sent for Mr. Johnson, treated him with great civility, got the family out of the way; and, having enticed him into a room, he there shot him. It was argued on his trial, that he was a man without understanding. Many irrational acts of his lordship were proved, and it was also deposed, that several of the family had died insane. It was clearly shewn, that he had acted with great insanity, not only in the business out of which the trial arose, but through his whole life.



His solicitor had frequent conversations with him, and thought him so insane, that he refused to be employed by him, on that account, and on that account alone. His physician stated they believed him to be in an insane state of mind—and his relations considered him in such a situation, that he was a fit object for a commission of lunacy—which they certainly would have taken out against him, but they were fearful that their actions might be prevented, and turned to their disadvantage, if they could not satisfactorily make out the case. How were these facts answered? By the question put to the whole house of peers, who tried the culprit—“Whether, notwithstanding all these acts, they believed, that, at the time he discharged his pistol, he had a mind capable of distinguishing right from wrong.” And the whole of his peers, with one *consentient* voice, pronounced him guilty.—He had judgment of death passed on him, and, on that judgment, so founded on the verdict of his peers, he was executed. Now, having pointed out these facts to you, and supposing that those persons were, to a certain degree, insane, with respect to civil affairs, suffer me to contrast their cases with that of the prisoner. Here there is no deficiency of understanding whatever—no opinion of others to that effect is adduced—on the contrary, he is entrusted with the management of their affairs. The question is, whether, at the time the murder was perpetrated, he possessed sufficient sense to distinguish between right and wrong? What can you collect from the statement I have made (and I have made it as correctly as the information I have received enabled me,) from the systematic precision which his conduct evinced, that can support the plea of insanity? What conclusion can you draw, in favour of the idea which has been suggested, that the prisoner was not in a sane state of mind?—Take from your recollection the horrid nature of the act, with the commission of which he is charged—a crime so great, that one can scarcely suppose any human creature could be guilty of such an atrocity. Take from it its accumulated horrors, and the prisoner stands before you in a state of sanity. This is the point to which your attention

must be directed." The learned gentleman concluded, by expressing his satisfaction in the reflection, that this assassination was perpetrated solely by the prisoner, unconnected and uninfluenced by any other person in the country: on him alone the disgrace rested, and not on the character of the country.

The first witness called on the part of the crown was—

Mr. William Smith (M. P. for Norwich), who, being sworn, deposed as follows:—

He was on his way to attend the house of commons on the evening of Monday, the 11th of May, and was going through the lobby towards the door of the house, and, as he was passing, he stopped to speak to a gentleman in the lobby, and while in conversation with that gentleman, he heard the report of a pistol, which appeared to have been fired close to the entrance door of the lobby. Immediately on the report, he turned towards the place from whence the noise appeared to proceed, and observed a tumult, and probably a dozen or more persons about the spot. Almost in the same instant he saw a person rush hastily from among the crowd, and heard several voices cry out, "Shut the doors—let no one escape." The person came towards him from the crowd, looking first one way, then another, rather like one seeking for shelter than the person wounded. But, taking two or three steps towards the witness, he rather reeled by him, and almost instantaneously fell on the floor with his face downward. Before he fell, witness heard him cry, though not very distinctly, and in what he uttered, witness heard the word "murder!" or something very like it. When he first fell, witness thought that he might have been slightly wounded, and expected to see him make an effort to rise, but gazing on him for a few moments, witness observed that he did not stir at all, and he, therefore, immediately stooped down to raise him from the ground, requesting the assistance of a gentleman close by him for the purpose. As soon as they had turned his face upwards, and not till then, he found that it was Mr. Perceval. They then took him into their arms, the other gentleman on the left side, and witness on the right, and

carried him into the office of the speaker's secretary, when they seated themselves on the table with Mr. Perceval between them, also sitting on the table, and resting on their arms. His face was by this time perfectly pale, the blood issuing in small quantities from each corner of his mouth, and, as he then thought, there was not probably more than two or three minutes elapsed from the firing of the pistol when there were scarcely any signs of life remaining. His eyes were still open, but he did not appear to know witness, nor to take any notice of any person about him, nor had he uttered the least articulate sound from the moment he fell. A few convulsive sobs, which lasted perhaps three or four minutes, together with scarcely a perceptible pulse, were the only signs of life that appeared then, and those continued but a very short time longer: and, when witness felt Mr. Perceval's wrist for the last time, just before Mr. Lynn, the surgeon, arrived, it appeared to him that he was totally dead. Witness remained in the same situation with the body until it was carried into the speaker's house, but he was incapable of giving any account whatever of what passed afterwards in the lobby respecting the detention or conduct of the prisoner at the bar.

Mr. W. Lynn stated, that he is a surgeon, residing in Great George-street, Westminster. He was sent for on the evening of Monday, the 11th of May, at about a quarter past five o'clock, and went to the secretary's room of the lobby of the house of commons. When he got there he saw Mr. Perceval on the table in that room, and some blood on his white waistcoat and shirt. He turned him on the other side, and saw an opening in the skin, and perceived no pulsation in the pulse, and he appeared quite dead. He probed the wound three inches downwards, and entertains no doubt that a pistol ball passed into the heart, and was the cause of the death of Mr. Perceval.

Mr. H. Burgess stated that he is a solicitor, and was in the lobby of the house of commons, in the afternoon of Monday, May 11, at a little after five o'clock, when he heard the report of a pistol, which proceeded from the

entrance of the lobby. He then saw a person coming towards the house, from the entrance door of the lobby, staggering. Just before he came to the pillar next the door leading into the house, witness saw him place his hand on his breast; he believed he uttered the exclamation, "Oh!" and fell on his face. At the same moment he heard some one exclaim, "That's the man!" and saw a hand pointing towards the bench by the fire-place, which is on one side of the lobby. He immediately went over to the bench, and saw the prisoner at the bar sitting on it in great agitation. There were one or two persons by him; he looked at his hands, and saw his left hand on the bench, and near or under his other hand he saw a pistol, which he took, and asked the prisoner what had induced him to do such a deed or act? He replied, "Want of redress of grievances, and refusal by government," or words to that effect. Witness then said to the prisoner, "You have another pistol?" he replied, "Yes." Witness asked if it was loaded? to which he answered in the affirmative. Witness then saw some person take the other pistol from his person. The pistol which witness took from the prisoner was warm, and appeared as if it had been recently discharged. The lock was down and the pan open. Witness thinks it had a very large bore—(Here the pistol was produced, and recognized by the witness)—He then stated, that he put his hand into the right waistcoat pocket of the prisoner, from which he took a small pen-knife and a pencil, and from his left-hand waistcoat-pocket took a bunch of keys, and some money; at the same time he saw the other pistol taken from the prisoner, and a bundle of papers. He was detained in custody, and examined shortly afterwards above stairs in the house of commons, before the magistrates. Witness related in the presence of the prisoner, on that occasion, the facts which he had before stated. When he had concluded, the prisoner made an observation to this effect, as well as he could recollect:—"I wish to correct Mr. Burgess's statement in one point; but I believe he is perfectly correct in every other.

Instead of my hand being, as Mr. Burgess stated, upon or near the pistol, I think he took it from my hand, or out of it."

Q. Did he make any other observations upon what you said?—A. He did not.

General Gascoigne deposed to the same effect.

James Taylor deposed, that he lives at No. 11, North-place, Gray's Inn-lane, in the neighbourhood of Milman-street; knows the prisoner since last March; is a tailor by trade, and has been twice employed by the prisoner at the bar.—He first saw him on the 5th of March, when he gave him an order for a pair of pantaloons and a waistcoat, and took them, according to the directions he got, to New Milman-street, which address he had written in his presence: and, when he carried home the clothes, he was paid for them by the prisoner.—He did not inquire whether he was a lodger or not, but he believes he was. He saw the prisoner again about the 25th of April, in Guildford-street, when he informed him that he had got a small job for him, and if he stepped back he would give it him. He went back to the same house in New Milman-street; the prisoner asked him into the parlour, and desired him to sit down. He then went up stairs and brought down a dark-coloured coat, and directed a side pocket to be put in the left side within the coat, so as to be got at conveniently. He wished the depth to be very particular, according to a small piece of paper, about the length of nine inches, which he brought down stairs with the coat. Witness waited about ten minutes; he executed the order immediately, as the prisoner was very particular in having it home that evening. Witness took it himself, and has seen the prisoner but once since in Gray's Inn-lane, about five or six days after.

Question by lord chief justice Mansfield.—Did any thing pass in Gray's Inn-lane between you and the prisoner at the bar?—A. I bowed to him, my lord, and he said he would have something more for me to do in a few days. I can't explain on what day that was, but I never saw him afterwards until this day.

Mr. J. Norris attends in the gallery appropriated for strangers, and went down to the house on Monday the 11th May, for that purpose. He passed into the lobby about the hour of five in the afternoon, or between that hour and ten minutes past five at the utmost. He observed the prisoner at the bar standing in the lobby, near the outer door; he was standing beside that part of the door which is generally closed. It is a double door, and one half is usually closed, within which half the prisoner was standing, and any one to enter the lobby must have passed him at arms' length. He observed the prisoner as if watching for somebody coming, and he appeared to look anxiously towards the door. As well as the witness recollects, the prisoner had his right hand within the left breast of his coat. Witness passed on to the staircase of the gallery, and almost immediately after he had got into the upper lobby about twenty steps, he heard the report of a pistol, and found soon afterwards that it was connected with the fatal event which occurred on that evening. Witness is perfectly certain that the prisoner at the bar is the person whom he saw on that evening.—He has frequently seen him before in the gallery, where gentlemen who report the parliamentary proceedings resort, and also about the passages of the house of commons.

J. Vickery is a Bow-street officer, and went on Monday afternoon to New Milman-street, to the lodgings of the prisoner, which he searched, and found, in the bedroom up stairs, a pair of pistol-bags, and in the same drawer a small powder-flask and some powder in a small paper, a box with some bullets, some small flints wrapped in paper, and a pistol-key to unscrew the pistol for the purpose of loading.—(Here the pistol was handed to the witness to apply the key to it, which was found to correspond.)—There was also in the lodging some sand-paper and a bullet-mould.—(Here the bullet found in the loaded pistol was put in the mould, and found to match it in size.)—This witness was then ordered to withdraw.

Mr. Vincent Geo. Dowling was in the gallery of the

house of commons on Monday the 11th of May, and came down into the lobby on hearing the discharge of a pistol. He then saw the prisoner at the bar, and took from the pocket of his small-clothes, on the left side, a small pistol, which he examined immediately after, and found it to be loaded with powder, and the ball which is now in it. It was primed as well as loaded.—(Here the witness was directed to apply the ball to the pistol, which was now produced; and having done so, he declared it to fit it equally well as the other pistol.)—The pistols, in the witness's opinion, are fellows, having the same maker's name, size, and bore. He has seen the prisoner several times before, both in the gallery and avenues of the house of commons. According to the best of his recollection, the last time he saw him was about six or seven days before the death of Mr. Perceval. He was frequently in the gallery during the debates; and witness sat immediately next him on one occasion during a debate; he cannot exactly remember for what time, but he dares to say for half an hour. He has been once in conversation with the prisoner in the gallery, with others.

John Addison Newman, keeper of Newgate, deposed, that the prisoner at the bar was brought into his custody on Monday night the 11th of May, and that he wore the coat which he had on when he came, until Thursday the 14th, since which it was in the custody of his assistant.

George Bowman, assistant to the preceding witness, deposed, that he saw the coat in the room lately occupied by the prisoner at the bar, which room adjoins the chapel, and in which the prisoner has been confined since Monday last. Witness remained in the prisoner's room from Tuesday evening till ten o'clock the next morning—(Here the prisoner solicited the indulgence of a chair, which was immediately granted to him.)—The coat worn by the prisoner had been torn in the scuffle in the lobby of the house of commons, by some person endeavouring to take the papers from his pocket, and he wished that it should be sent to a tailor to be mended.

James Taylor, who put the side-pocket in the coat, identified it as the same that was now produced in court.

Gen. Gascoigne affirmed that Mr. Perceval's Christian name was "Spencer;" after which—

Lord chief justice Mansfield addressed the prisoner, and told him, that the case on the part of the crown being now gone through, the period was come for him to make any defence he might wish to offer.

The prisoner asked whether his counsel had nothing to urge in his defence?

Mr. Alley informed him that his counsel were not entitled to speak.

The prisoner then said that the documents and papers necessary to his defence had been taken out of his pocket, and had not since been restored to him.

Mr. Garrow said, that it was the intention of the counsel for the crown to restore him his papers, having first proved them to be the same which were taken from him, and had not suffered any subtraction; and, that his solicitor already had copies of them.

General Gascoigne, and Mr. Hume (M. P. for Weymouth), proved that the papers were those which had been taken from the person of the prisoner, and that they had been in their custody ever since, and had suffered no subtraction.

The papers were then handed to the prisoner, who proceeded to arrange and examine them.

The prisoner, who had been sitting till now, rose, and, bowing respectfully to the court and jury, went into his defence, in a firm tone of voice, and without the appearance of embarrassment or feeling for the awful situation in which he was placed. He spoke nearly to the following effect:—

"I feel great personal obligation to the attorney-general, for the objection which he has made to the plea of insanity. I think it far more fortunate that such a plea as that should have been unfounded, than that it should have existed in fact. I am obliged to my counsel, however, for having thus endeavoured to consult my



interest, as I am convinced the attempt has arisen from the kindest motives. That I am or have been insane, is a circumstance of which I am not apprised, except in the single instance of my having been confined in Russia—how far that may be considered as affecting my present situation, it is not for me to determine. This is the first time that I have ever spoken in public in *this way*. I feel my own incompetency, but I trust you will attend to the substance, rather than to the manner, of my investigating the truth of an affair which has occasioned my presence at this bar. I beg to assure you that the crime which I have committed has arisen from compulsion rather than from any hostility to the man whom it has been my fate to destroy. Considering the amiable character, and universally admitted virtues of Mr. Perceval, I feel, if I could murder him in a cool and unjustifiable manner, I should not deserve to live another moment in this world. Conscious, however, that I shall be able to justify every thing which I have done, I feel some degree of confidence in meeting the storm which assails me, and shall now proceed to unfold a catalogue of circumstances which, while they harrow up my own soul, will, I am sure, tend to the extenuation of my conduct in this honourable court. This, as has already been candidly stated by the attorney-general, is the first instance in which any the slightest imputation has been cast upon my moral character. Until this fatal catastrophe, which no one can more heartily regret than I do, not excepting even the family of Mr. Perceval himself, I have stood alike pure in the minds of those who have known me, and in the judgment of my own heart. I hope I see this affair in the true light. For eight years, gentlemen of the jury, have I been exposed to all the miseries which it is possible for human nature to endure.—Driven almost to despair, I sought for redress in vain. For this affair, I had the *carte blanche* of government, as I will prove by the most incontestible evidence, namely, the writing of the secretary of state himself. I come before you under peculiar disadvantages. Many of my most material papers are now at Liverpool, for which I have

written, but have been called upon my trial before it was possible to obtain an answer to my letter.—Without witnesses, therefore, and in the absence of many papers necessary to my justification, I am sure you will admit I have just grounds for claiming some indulgence. I must state, that after my return from my voyage to Archangel, I transmitted to his royal highness the Prince Regent, through my solicitor, Mr. Windle, a petition; and, in consequence of there being no reply, I came to London to see the result. Surprised at the delay, and conceiving that the interests of my country were at stake, I considered this step as essential, as well for the assertion of my own right, as for the vindication of the national honour. I waited upon colonel M'Mahon, who stated, that my petition had been received; but, owing to some accident, had been mislaid. Under these circumstances, I drew out another account of the particulars of the Russian affair, and this may be considered as the commencement of that train of events, which led to the afflicting and unhappy fate of Mr. Perceval. This petition I shall now beg leave to read:—

Here the prisoner read a petition to the Prince Regent, of date January 21, 1812, and containing a statement of the whole of his affairs in Russia, as stated in Mr. Bellingham's memorial (to a similar effect) to the house of commons. In the course of narrating these hardships, he took occasion to explain several points, and adverted with great feeling to the unhappy situation in which he was placed, from the circumstance of his having been but lately married to his wife, then about twenty years of age, with an infant at her breast, and who had been waiting for him at St. Petersburg, in order that she might accompany him to England—a prey to all those anxieties which the unexpected and cruel incarceration of her husband, without any just grounds, was calculated to excite.—(In saying this, the prisoner seemed much affected.)—He also described his feelings at a subsequent period, when his wife, from an anxiety to reach her native country (England) when in a state of pregnancy, and looking to the improbability of his

liberation, was obliged to quit Petersburg unprotected, and undertake the voyage at the peril of her life, while lord L. Gower and sir S. Shairpe suffered him to remain in a situation worse than death. "My God! my God!" he exclaimed, "what heart could bear such excruciating tortures, without bursting with indignation at conduct so diametrically opposite to justice and to humanity. I appeal to you, gentlemen of the jury, as men—I appeal to you as brothers—I appeal to you as christians—whether, under such circumstances of persecution, it was possible for me to regard the actions of the ambassador and consul of my own country, with any other feelings but those of detestation and horror! In using language thus strong, I feel, that I commit an error; yet does my heart tell me, that men who lent themselves thus to bolster up the basest acts of persecution, there are no observations, however strong, which the strict justice of the case would not excuse my using towards them. Had I been so fortunate as to have met lord Leveson Gower, instead of that truly amiable, and highly-lamented individual, Mr. Perceval, he is the man who should have received the ball!!!"

Having concluded reading his memorial, and the observations with which he had interspersed it, he went on to state, that on coming to England he had represented his hardships to marquis Wellesley, from whose secretary he had received the following answer:—

"SIR,

Foreign Office, Jan. 31, 1810.

"I am directed by the marquis Wellesley to transmit to you the papers which you sent to this office, accompanied by your letter of the 27th of last month; and I am to inform you, that his majesty's government is precluded from interfering in the support of your case, in some measure, by the circumstances of the case itself, and entirely so at the present moment, by the suspension of intercourse with the court of St. Petersburg.

"I am, &c.

(Signed) "CULLING CHARLES SMITH.

"John Bellingham, Esq."

“ I would beg to know (he continued) what course it was possible for me, after receiving this letter, to pursue? If his majesty’s government thus refused me redress, what must be my next step? The only thing I could do was, to bring a serious charge against sir Stephen Shairpe and lord Leveson Gower, which I accordingly did, by addressing a complete statement of my case to the privy council, from whom I received the following answer :—

“ SIR, Council Office, Whitehall, May 16, 1810.

“ I am directed by the lords of the council, to acquaint you, that their lordships having taken into consideration your petition on the subject of your arrest in Russia, do not find that it is a matter in which their lordships can in any manner, interfere.

“ I am, Sir,

“ Your most obedient humble servant,

“ W. FAWKNER.

“ Mr. John Bellingham.”

“ Having then understood that any remuneration, which I might conceive myself entitled to, I could only procure through the medium of parliament, I applied myself to several members of parliament, to ascertain what line of conduct I ought to pursue, in order to obtain that desirable end. These gentlemen told me, that I should make application to the chancellor of the exchequer—thus petitioning for leave to bring in a petition upon a subject which, being well founded, became a matter of right, and not of favour. In consequence, however, of this advice, I did write a letter to Mr. Perceval, from whom I received an answer, dated Downing-street, May 27, 1810, as follows :

“ SIR, Downing-street, May 27, 1810.

“ I am desired by Mr. Perceval to state to you, in reply to your letter of yesterday, that the time for presenting private petitions has long since passed ; and that Mr.

Perceval cannot encourage you to expect his sanction in introducing into the house a petition, which Mr. Perceval thinks is not of a nature for the consideration of parliament.

“ I am, Sir,

“ Your obedient servant,

“ THOMAS BROOKSBANK.

“ Mr. Bellingham.”

“ I apprehend, however, that this information is not founded in fact. If I am wrong, I see several gentlemen around me, connected with the house of commons, who will set me right. That there is no particular time limited for the presentation of private petitions, and that they might be brought forward at any period of the sessions, I am inclined to think the usages of the house will permit. Petitions for private bills, I am ready to allow must be brought in within a prescribed period; but in cases in which petitions are presented under circumstances like mine, which arise from unforeseen events, it is utterly impossible to fix any precise period.—The latter clause of Mr. Perceval's, which states that my claims are not of a nature for the consideration of parliament appears to me inexplicable. If they are not referred to that branch of the legislature, to whose consideration then ought they to be submitted? Yet thus was I banded about from man to man, and from place to place. Suppose this had been the case with either of you, gentlemen, of the jury, and that your sufferings had been equal to mine, what would have been your feelings? It is the duty of every individual to apply through the proper channel for redress, and through what other channel ought you to apply but through the heads of government? Upon this occasion, however, those whose duty it was to have redressed my grievances, treated them with indifference, and were deaf to the dictates of justice. In consequence of this denial, on the part of Mr. Perceval, to investigate a business in which the national honour was concerned, I was left at a loss how to act, or what course to pursue; I, therefore, returned home, and

remained inactive for nearly eighteen months, when, finding that I could no longer hold up against the ruinous effects of those failures which were the consequence of the injustice with which I had been treated, every one coming upon me for that which I was unable to pay, and my family borne down by the deepest affliction at the distresses to which they were exposed, I found it necessary to renew my applications, which I did to the Treasury, and submitted to them a petition, reiterating those claims I had so unsuccessfully made before. To this application I received for answer—

“ SIR,

“ Treasury Chambers, Feb. 24, 1810.

“ Having laid before the lords commissioners of his Majesty’s treasury your petition of the 16th instant, submitting a statement of losses sustained by you in Russia, and praying relief, I am commanded by their lordships to return to you the documents transmitted therewith, and to acquaint you that my lords are not able to afford you any relief.

“ I am, &c.

“ GEO. HARRISON.

“ John Bellingham, Esq.”

“ I next made application to his Royal Highness the Prince Regent to have my affairs laid before parliament, explaining anew the disgraceful conduct of the consul and ambassador at Russia, who, by suffering me to be so persecuted, had been guilty of an act which brought eternal disgrace on the country.—(Here he read documents similar to the former, and repeated all his statements respecting the manner in which he had been treated in Russia.)—The answer I received was as follows :—

“ SIR,

“ Whitehall, 18th Feb. 1812.

“ I am directed by Mr. Secretary Ryder to acquaint you that your petition to his Royal Highness the Prince Regent has been referred, by the command of his Royal

Highness, for the consideration of the lords of his Majesty's most honourable privy council.

" I am, Sir,

" Your most obedient humble servant,

" J. BECKETT.

" John Bellingham, Esq."

" After this I made application to the privy council office, and had communications with Lord Chetwynd and Mr. Buller, the two clerks of that council, who informed me that I had nothing to expect from their decision. I then applied to know the reason in writing, why the privy council declined to act in obedience to the instructions of his Royal Highness the Prince Regent; which request I was informed by Mr. Litchfield could not be complied with. Under these circumstances, I communicated the whole to his Royal Highness, and enclosed to him a petition to be laid before parliament.— (Here the petition was read, as also the answer from Mr. Beckett, of the 9th of March, 1812, stating that his Royal Highness had signified no commands thereupon, and returning the petition accordingly.) So baffled (he pursued) what could a man do—reduced to the last extremity of distress, without having been guilty of a single political crime, which could call for reprehension? Here I was forced to the commission of that melancholy act— (*bursting into tears*)—which I, as well as my country, have so sincerely to regret. My wife and my poor children, crying for the means of existence, what alternative had I but to seek redress by some such dreadful act as that for which I have now to answer? His Majesty's ministers, referring me backwards and forwards like a shuttle-cock, without shewing the slightest disposition even to regard my wrongs as deserving of the smallest consideration, in duty to myself, I was forced to seek justice, and avenge my own cause. I was told I could not get my case before parliament without the sanction of his majesty's ministers. To general Gascoigne, for the politeness and attention with which he heard my statement, and the disposition he evinced to relieve me, were it in his power, I have to express my gratitude. He in-

formed me, if any of his Majesty's ministers would sanction my claims, and that I was able to authenticate the particulars I had related, he should be happy to meet my wishes by laying my petition before the house. Supposing now that I should feel little difficulty in obtaining such sanction, and satisfied that by a journey to Liverpool I should be able to produce documents which would fully establish the truth of every word I had uttered, I began to hope that the goal of my long-hoped-for wishes was now in view. I therefore directed a letter to Mr. Ryder, requesting the permission I understood to be essential to my purpose. Here, however my expectations were again blasted, and those flattering dreams of success which had filled my mind with joy were dashed for ever from my reach ; and this letter at once shewed me that I had no justice to look for.—(Here he read the letter as follows :)—

“ SIR,

Whitehall, 20th March, 1812.

“ I am directed by Mr. Secretary Ryder to acknowledge the receipt of your letter of the 17th instant, requesting permission, on the part of his Majesty's ministers, to present your petition to the house of commons ; and in reply I am to acquaint you, that you should address your application to the right hon. the chancellor of the exchequer.

“ I am, Sir,

“ Your most obedient, humble servant,

“ J. BECKETT.

“ John Bellingham, Esq.”

“ At last, then, I was told, I had nothing to expect, and was forced reluctantly to notice, in a more determined manner, the ill-treatment I had received. To this end I enclosed the particulars of my case to the magistrates of Bow-street, with the following letter :—

TO THEIR WORSHIPS THE POLICE MAGISTRATES OF  
THE PUBLIC-OFFICE, IN BOW-STREET :

“ SIRS,

“ I much regret its being my lot to have to apply to



your worships under most peculiar and novel circumstances.—For the particulars of the case, I refer to the enclosed letter from Mr. Secretary Ryder, the notification from Mr. Perceval, and my petition to parliament, together with the printed papers herewith. The affair requires no further remark, than that I consider his Majesty's government to have completely endeavoured to close the door of justice, in declining to have, or even to permit, my grievances to be brought before parliament for redress, which privilege is the birth-right of every individual.

“ The purport of the present is, therefore, once more to solicit his Majesty's ministers, through your medium, to let what is right and proper be done in my instance, which is all I require. Should this reasonable request be finally denied, I shall then feel justified in executing justice myself—in which case I shall be ready to argue the merits of so reluctant a measure with his Majesty's attorney-general, wherever and whenever I may be called upon so to do.—In the hopes of averting so abhorrent but compulsive an alternative,

“ I have the honour to be, Sirs,

“ Your very humble and obedient servant,

JOHN BELLINGHAM.

“ 9, New Millman-street, March 23, 1812.”

“ In the course of two days I called again at Bow-street for an answer to this letter, when I received a little memorandum, in Mr. Read's writing, in which he states that he cannot interfere in my affairs, and that he had felt it his duty to communicate the contents of my packet to the secretary of state. Had he done otherwise, he would have been extremely reprehensible, as events have turned out so calamitously—events which go to my heart to allude to—(*much affected*)—At last, in reply to a letter of the 13th of April, I received a final and direct answer, which at once convinced me that I had no reason to expect any adjustment whatever of those claims which I had on his Majesty's government, for my criminal detention in Russia. It was in these terms :—

“ SIR,

“ Whitehall, April 18, 1812.

“ I am directed by Mr. Secretary Ryder to acknowledge the receipt of your letter of the 13th instant, requesting to be informed ‘ in what stage your claim on his Majesty’s government for criminal detention in Russia now is.’ In reply, I am to refer you to my several letters of the 18th February, 9th, and 20th March, by which you have been already informed, that your first petition to his Royal Highness the Prince Regent, praying for remuneration, had been referred to the consideration of the lords of the council. That, upon your second memorial, praying his Royal Highness to give orders that the subject should be brought before parliament. His Royal Highness had not been pleased to signify any commands. And, lastly, in answer to your application to Mr. Ryder, requesting permission on the part of his Majesty’s ministers to present your petition to the house of commons, you were informed that your application should be addressed to the right honourable the chancellor of the exchequer.

“ I am, Sir,

“ Your most obedient humble servant,

“ J. BECKETT.

“ J. Bellingham, Esq.”

“ After this, on personal application at the office of the secretary of state, and intimating my intention to take justice in my own hand, I was told, by the mouth of Mr. Hill, that I was at liberty to take such measures as I thought proper. Who, then, is to be reprobated in this case?—those who were regardless of every feeling of honour and of justice, or him who, spurred on by injury and neglect, and with a due notice of his intentions, pursued the only course likely to lead to a satisfactory termination of calamities which had weighed him down to the lowest ebb of misery!—I will now only mention a few observations by way of defence.—You have before you all the particulars of this melancholy transaction. Believe me, gentlemen, the rashness of which I have been guilty has not been dictated by any personal animosity

to Mr. Perceval, rather than injure whom, from private or malicious motives, I would suffer my limbs to be cut from my body.—(*Here the prisoner seemed again much agitated.*)

“If, whenever I am called before the tribunal of God, I can appear with as clear a conscience as I now possess in regard to the alledged charge of the wilful murder of the unfortunate gentleman, the investigation of whose death has occupied your attention, it would be happy for **me**, as essentially securing to me eternal salvation—but that is impossible. That my arm has been the means of his melancholy and lamented exit, I am ready to allow. But to constitute murder, it must clearly and absolutely be proved to have arisen from *malice prepense*, and with a malicious design, as I have no doubt the learned judge will shortly lay down, in explaining the law on the subject. If such is the case I am guilty—if not, I look forward with confidence to your acquittal.

“That the contrary is the case, has been most clearly and irrefutably, proved; no doubt can rest upon your minds, as my uniform and undeviating object has been, an endeavour to obtain justice, according to law, for a series of the most long-continued and unmerited sufferings that were ever submitted to a court of law, without having been guilty of any other crime than an appeal for redress for a most flagrant injury offered to my sovereign and my country, wherein my liberty and property have fallen a sacrifice for the continued period of eight years, to the total ruin of myself and family (with authenticated documents of the truth of the allegations), merely because it was Mr. Perceval’s pleasure that justice should not be granted, sheltering himself with the idea of there being no alternative remaining, as my petition to parliament for redress could not be brought forward (as having a pecuniary tendency) without the sanction of his majesty’s ministers, and that he was determined to oppose, by trampling both on law and right.

“Gentlemen, where a man has so strong and so serious a criminal case to bring forward as mine has been, the nature of which was purely national, it is the bounden

duty of government to attend to it; for justice is a matter of right, and not of favour. And when a minister is so unprincipled and presumptuous at any time, but especially in a case of such urgent necessity, to set himself above both the sovereign and the laws, as has been the case with Mr. Perceval, he must do it at his personal risk; for, by the law, he cannot be protected.

“Gentlemen, if this is not fact, the mere will of a minister would be law; it would be this thing to-day and the other thing to-morrow, as either interest or caprice might dictate.—What would become of our liberties? where would be the purity and the impartiality of the justice we so much boast of?—To government’s non-attendance to the dictates of justice is solely to be attributed the melancholy catastrophe of the unfortunate gentleman, as any malicious intention to his injury was the most remote from my heart. Justice, and justice only, was my object, which government uniformly objected to grant; and the distress it reduced me to, drove me to despair in consequence; and, purely for the purpose of having this singular affair legally investigated, I gave notice at the public office, Bow-street, requesting the magistrates to acquaint his majesty’s ministers, that if they persisted in refusing justice, or even to permit me to bring my just petition into parliament for redress, I should be under the imperious necessity of executing justice myself, solely for the purpose of ascertaining, through a criminal court, whether his majesty’s ministers have the power to refuse justice to a well authenticated and irrefutable act of oppression, committed by the consul and ambassador abroad, whereby my sovereign’s and country’s honour were materially tarnished, by my person endeavouring to be made the stalking-horse of justification, to one of the greatest insults that could be offered to the crown.

“But in order to avoid so reluctant and abhorrent an alternative, I hoped to be allowed to bring my petition to the house of commons—or that they would do what was right and proper themselves.

“On my return home from Russia, I brought most serious charges to the privy council, both against sir Stephen Shairpe and lord Grenville Levison Gower, when the affair was determined to be purely national, and consequently it was the duty of his majesty’s ministers to arraign it by acting on the resolution of the council. Suppose, for instance, the charge I brought could have been proved to be erroneous, should not I have been called to a severe account for my conduct—but, being true, ought I not to have been redressed ?

“After the notice from the police to government, Mr. Ryder, conscious of the truth and cruelty of the case, transmitted the affair to the treasury, referring me there for a final result. After a delay of some weeks the treasury came to the resolution of sending the affair back to the secretary of state’s office ; at the same time I was told, by a Mr. Hill, he thought it would be useless for my making further application to government, and that I was at liberty to take such measures as I thought proper for redress.

“Mr. Becket, the under secretary of state, confirmed the same, adding that Mr. Perceval had been consulted, and could not allow my petition to come forward. Thus, by a direct refusal of justice, with a *carte blanche*, to act in whatever manner I thought proper, were the sole causes of the fatal catastrophe—and they have now to reflect on their own impure conduct for what has happened.

“It is a melancholy fact, that the warping of justice, including all the various ramifications in which it operates, occasions more misery in the world, in a moral sense, than all the acts of God in a physical one, with which he punishes mankind for their transgressions ; a confirmation of which, the single, but strong instance before you, is one remarkable proof.

“If a poor unfortunate man stops another upon the highway, and robs him of but a few shillings, he may be called upon to forfeit his life. But I have been robbed of my liberty for years, ill treated beyond precedent, torn from my wife and family, bereaved of all my property to

make good the consequences of such irregularities ; deprived and bereaved of every thing that makes life valuable, and then called upon to forfeit it, because Mr. Perceval has been pleased to patronize iniquity that ought to have been punished, for the sake of a vote or two in the house of commons, with, perhaps, a similar good turn elsewhere.

“Is there, gentlemen, any comparison between the enormity of these two offenders? No more than a mite to a mountain. Yet the one is carried to the gallows, while the other stalks in security, fancying himself beyond the reach of law or justice: the most honest man suffers, while the other goes forward in triumph to new and more extended enormities.

“We have had a recent and striking instance of some unfortunate men, who have been called upon to pay their lives as the forfeit of their allegiance, in endeavouring to mitigate the rigours of a prison.—(Alluding to the trials of Cundell, Smith, and others, for high treason, at Horse-monger-lane,)—But, gentlemen, where is the proportion between the crimes for which they suffered, and what government has been guilty of, in withholding its protection from me? Even in a crown case, after years of sufferings, I have been called upon to sacrifice all my property, and the welfare of my family, to bolster up the iniquities of the crown, and then am prosecuted for my life, because I have taken the only possible alternative to bring the affair to a public investigation, for the purpose of being enabled to return to the bosom of my family with some degree of comfort and honour. Every man within the sound of my voice must feel for my situation; but by you, gentlemen of the jury, it must be felt in a peculiar degree, who are husbands and fathers, and can fancy yourselves in my situation.—I trust that this serious lesson will operate as a warning to all future ministers, and lead them to do the thing that is right, as an unerring rule of conduct; for, if the superior classes were more correct in their proceedings, the extensive ramifications of evil would, in a great measure, be hemmed up—and a notable proof of the fact is, that this court would never

have been troubled with the case before it, had their conduct been guided by these principles.

“ I have now occupied the attention of the court for a period much longer than I intended ; yet, I trust, they will consider the awfulness of my situation to be a sufficient ground for a trespass, which, under other circumstances, would be inexcusable. Sooner than suffer what I have suffered for the last eight years, however, I should consider five hundred deaths, if it were possible for human nature to endure them, a fate far more preferable. Lost so long to all the endearments of my family, bereaved of all the blessings of life, and deprived of its greatest sweet, liberty, as the weary traveller, who has long been pelted by the pitiless storm, welcomes the much desired inn, I shall receive death as the relief of all my sorrows. I shall not occupy your attention longer ; but, relying on the justice of God, and submitting myself to the dictates of your conscience, I submit to the *fiat* of my fate, firmly anticipating an acquittal from a charge so abhorrent to every feeling of my soul.”

Here the prisoner bowed, and his counsel immediately proceeded to call the following witnesses :—

Anne Billet, who appeared under the strongest impressions of grief and horror, being sworn, deposed, that she lived in the county of Southampton ; she came to London, in consequence of having read in the newspapers of the prisoner having been apprehended for the murder of Mr. Perceval. She was induced to come to town, from a conviction that she knew more of him than any other friend. She knew him from a child. He resided latterly at Liverpool, from whence he came at Christmas last. His wife and children now reside there. She knew him to be a merchant. His father died insane in Titchfield-street, Oxford-road ; she firmly believed, that, for the last three or four years, the prisoner was in a state of derangement, respecting the business which he had been pursuing. She had not seen him for twelve months until the present moment. She always thought him deranged when his Russian affairs were the subject of conversation. She knew him at Liverpool about a year and a half ago ; and

she and his friends always avoided the mention of those affairs, as they always proved a source of uneasiness from their effect upon his mind.

*Cross-examined by Mr. GARROW.*—She deposed, that, when in London with the prisoner about 12 months since, he was pursuing the same object, that is, going to different government offices to seek redress of his grievances. He was then in a state of perfect derangement, as he had been ever since his return from Russia. His wife carries on the millinery business at Liverpool. He has some male friends, but no partner. There was one instance which occurred at the period to which she was alluding, which strongly confirmed her in the opinion of his insanity. About Christmas he told his wife and witness, that now he was come from Russia he had realized more than 100,000*l.* with which he intended to buy an estate in the west of England, and to have a house in London—he admitted that he had not got the money, but said it was the same as if he had, for he had gained his cause in Russia, and our government would make good all the loss he had sustained. He repeatedly said to her and to his wife, that this was assuredly the fact. Upon one occasion he took Mrs. Bellingham and her to the secretary of state's office, where they saw Mr. Smith, who said if he had not ladies with him, he would not have come to him at all.—The prisoner told Mr. Smith, that the reason why he brought them was, to convince them that his claims were just, and that he would very shortly receive the money. Mr. Smith told him he could say nothing upon this subject; he had already sent him a letter, alledging that he had nothing to expect. The prisoner then requested Mr. Smith would answer him one question—"My friends say I am out of my senses; is it your opinion that I am so?" Mr. Smith said, it was a very delicate question, and one he did not wish to answer. Having then departed, when they got into the carriage which waited for them, he took hold of his wife's hand, and said, "I hope now, my dear, you are convinced all will now end as we wish." Since that period she knew that he had been pursuing his object *alone*, his



wife remaining at Liverpool. She had a letter from his wife last week, stating that circumstance. She knew of no restraint having been exercised upon his person at any time during her acquaintance with him. No one medical gentleman practised in disorders of the brain had ever been called to his assistance. At no period during the whole of his life had he ever been under any controul, or deprived of the same freedom of actions with other persons. Had he ever been subject to any such restraints she must have known it.

Mrs. Clarke, of Bagnio-court, Newgate-street, had known the prisoner several years. She knew he had been from Russia about two years and a half, during which time he was very much deranged. She saw him six or seven times since last January, in North-street, Red-lion-square.

*Cross-examined.*—She never knew that he was subject to any restraint.—She knew that he was alone from Liverpool, and that the controul of any of his affairs had never been taken from him.

Mrs. Roberts, in whose house the prisoner lodged, was then called, but did not appear: her servant, however,

Catherine Fidgeon, deposed, that her mistress was so extremely unwell as to be unable to attend in pursuance of the subpoena she had received. She lived at No. 9, New Milman-street. The prisoner lodged with her mistress above four months. She recollected the day on which he was taken into custody. The day preceding (Sunday) she thought he had been somewhat confused. On the Monday he had some conversation with his washerwoman relative to the price she charged for washing his dressing-gown. She asked a shilling, and he said, if he had known the price would have been more than eightpence, he would have washed the gown himself.

*Cross-examined.*—He was a favourite in the family. He breakfasted at home, but dined very seldom. He was very regular in his hours. Mrs. Roberts and her little boy and him went to the Foundling Hospital to

hear divine service, on Sunday morning. He dined alone that day at home. They were to have gone to the Magdalen in the evening; but, in consequence of its being very wet, they went again to the Foundling. Mrs. Roberts, her son, and the prisoner, went the next day to the European Museum. Her mistress and the little boy came home alone at half-past five o'clock. She heard that the prisoner was apprehended for murder between six and seven o'clock. She remembered a man bringing home a coat three weeks or a month back. She never saw either of the pistols, or any of the apparatus belonging thereto. The prisoner was occupied in writing letters on the forenoon of the day on which the murder was committed, and was so much engaged in this task, that when the washerwoman came he did not admit her for nearly half an hour. He seemed to have a good deal of business, and was frequently writing. She never knew any surgeon or doctor attend him.

Here Mr. Alley, counsel for the prisoner, directed the door-keeper to call at the door, for the purpose of ascertaining whether any witnesses had arrived from Liverpool. No answer was then returned; but shortly afterwards Mr. Sheriff Heygate announced to the Bench, that he had just been informed two persons had, within the last few minutes, arrived from Liverpool in a post-chaise and four, to give evidence in favour of the prisoner. These persons, being admitted into court, looked at the prisoner, but declared he was not the person they had supposed him to be. They mentioned the circumstance of their having heard of the apprehension of the prisoner, and knowing something of a person bearing his description, in whose conduct they had seen frequent marks of derangement, they had come to London to give evidence in his favour.

The evidence being now concluded,

Lord chief justice Mansfield proceeded to sum up the evidence. He commenced by observing to the jury that they had now to try an indictment which charged the prisoner at the bar with the wilful murder (here the learned judge was so much overcome by his feelings that

he could not proceed for several seconds) of Mr. Spencer Perceval (in a faint voice), who was murdered with a pistol loaded with a bullet. When he mentioned the name of—(here again his lordship was sincerely affected and burst into tears, in which he was joined by the greatest portion of the persons in court)—a man so dear and so revered as that of Mr. Spencer Perceval, he found it difficult to suppress his own feelings. As, however, to say any thing of the distinguished talents and virtues of that amiable man might tend to excite improper emotions in the minds of the jury, he should withhold those feelings which pressed for utterance from his heart, and leave them to form their judgment upon the evidence which had been adduced in support of the case, unbiassed by any unfair indignation which they might feel against his murderer by any description, however faint, of the excellent qualities of the deceased. They were to try the unfortunate man at the bar, in the same manner as if he was arraigned for the murder of any other man. The law protected the lives of all his majesty's subjects alike, and the crime was the same whether committed upon the person of the highest and most distinguished character in the country, as upon that of the lowest. The only question they had to try was, whether the prisoner did wilfully and maliciously murder Mr. Spencer Perceval or not? It was not necessary to go very minutely into the evidence which had been produced to the fact, as there was little doubt as to the main object of their inquiry. The first thing they had to say was, whether the person charged with having murdered Mr. Perceval had so murdered him, and whether that murder had been committed with a pistol bullet? The learned judge then proceeded to read the testimony given by the several witnesses examined. That of Mr. W. Smith, surgeon Lynn, and Mr. Burgess, clearly substantiated the fact, that the deceased had died in consequence of a pistol which had been discharged into his breast, and that the hand of the prisoner was the hand which had discharged that weapon. With respect to the deliberation that had been proved by other

witnesses, from what he could collect from the prisoner's defence, it seemed to amount to a conclusion, that he conceived himself justified in what he had done, by his majesty's government having refused to redress some supposed grievances. Such dreadful reasoning could not be too strongly reprobated. If a man fancied he was right, and in consequence conceived that if that fancy was not gratified, that he had a right to obtain justice by any means which his physical strength gave him, there was no knowing where so pernicious a doctrine might end. By the same reason every person who presided in a court of justice in the country, who might refuse to meet the wishes of a plaintiff, would be liable to revenge equally atrocious. In another part of the prisoner's defence, which was not, however, urged by himself, it was attempted to be proved, that at the time of the commission of the crime he was insane. With respect to this the law was extremely clear. If a man was deprived of all power of reasoning, so as not to be able to distinguish whether it was right or wrong to commit the most wicked or the most innocent transaction, he could not certainly commit an act against the law. Such a man, so destitute of all power of judgment, could have no intention at all. In order to support this defence, however, it ought to be proved by the most distinct and unquestionable evidence, that the criminal was incapable of judging between right and wrong. It must, in fact, be proved, beyond all doubt, that at the time he committed the atrocious act with which he stood charged, that he did not consider murder was a crime against the laws of God and nature. There was no other proof of insanity which would excuse murder or any other crime. There were various species of insanity. Some human creatures were void of all power of reasoning from their birth—such could not be guilty of any crime. There was another species of madness, in which persons were subject to temporary paroxysms, in which they were guilty of acts of extravagance—this was called lunacy. If these persons committed a crime when they were not

affected with the malady, they were, to all intents and purposes, amenable to justice. So long as they could distinguish good from evil, so long would they be answerable for their conduct. There was a third species of insanity, in which the patient fancied the existence of injury, and sought an opportunity of gratifying revenge by some hostile act. If such a person was capable, in other respects, of distinguishing right from wrong, there was no excuse for any act of atrocity which he might commit under this description of derangement. The witnesses who had been called to support this extraordinary defence, had given a very singular account, in order to shew that, at the time of the commission of the crime, the prisoner was insane. What might have been the state of his mind some time ago was perfectly immaterial. The single question was, whether at the time this fact was committed, he possessed a sufficient degree of understanding to distinguish good from evil, right from wrong, and whether murder was a crime not only against the law of God, but against the law of his country.— Here it appeared that the prisoner had gone out like another man ; that he came up to London by himself at Christmas last ; that he was under no restraint ; that no medical man had attended him to cure his malady ; that he was perfectly regular in all his habits ; in short, there was no one proof adduced to shew that his understanding was so deranged as not to enable him to know that murder was a crime. On the contrary, the testimony adduced in his defence had most distinctly proved, from a description of his general demeanour, that he was in every respect a full and competent judge of all his actions. Having then commented on the evidence of Mrs. Clarke, Mrs. Billet, and Mary Fidgeon, his lordship concluded by exhorting the jury to take all the facts into their most serious consideration. If they had any doubt they would give the prisoner the benefit of that doubt ; but if they conceived him guilty of the crime alleged against him, in that case they would find him guilty.

The jury, after a consultation of two minutes and a

half in the box, expressed a wish to retire; and an officer of the court being sworn, accompanied them to the jury room. As they passed out, the prisoner regarded them separately with a look of mingled confidence and complacency. They were absent fourteen minutes; and, on their return into court, their countenances acting as indices to their minds, at once unfolded the determination to which they had come. The prisoner again directed his attention to them in the same manner as before.

The names being called over, and the verdict asked for in the usual form, the foreman, in a faltering voice, announced the fatal decision of—Guilty.

The prisoner's countenance here indicated surprise, unmixed, however, with any demonstrations of that concern which the awfulness of his situation was calculated to produce.

The recorder then proceeded to pass sentence in a most solemn and affecting manner, which bathed many of the auditors in tears. The style was unusually excellent, and so powerful was its effect upon us, as well as upon the whole court, that we feel we can barely give its substance, which was nearly as follows:—

“Prisoner at the bar! you have been convicted by a most attentive and a most merciful jury, of one of the most malicious and atrocious crimes it is in the power of human nature to perpetrate—that of wilful and premeditated murder! A crime which in all ages and in all nations has been held in the deepest detestation—a crime as odious and abominable in the eyes of God, as it is hateful and abhorrent to the feelings of man. A crime which, although thus heinous in itself, in your case has been heightened by every possible feature of aggravation. You have shed the blood of a man admired for every virtue which can adorn public or private life—a man, whose suavity and meekness of manner was calculated to disarm all political rancour, and to deprive violence of its asperity. By his death, charity has lost one of its greatest promoters; religion, one of its firmest supporters; domestic society, one of its happiest and sweetest examples; and the country, one of its brightest orna-

ments ; a man, whose ability and worth was likely to produce lasting advantages to this empire, and ultimate benefit to the world. Your crime has this additional feature of atrocious guilt, that in the midst of civil society, unarmed, defenceless, in the fulfilment of his public duty, and within the very verge of the sanctuary of the law, your impure hand has deprived of existence a man as universally beloved as pre-eminent for his talents and excellence of heart. To indulge in any conjecture as to the motive which could have led you to the commission of this atrocious deed, would be to enquire into all that is base and perfidious in the human heart—assassination is most horrid and revolting to the soul of man, inasmuch as it is calculated to render bravery useless, and cowardice successful. It is, therefore, that the voice of God himself has declared, “that he that sheddeth man’s blood, by man shall his blood be shed.” In conformity to these laws, which God hath ordained, and men have obeyed, your disgraced and indignant country, by the example of your ignominious fate, will appreciate the horror of your offence, and set up a warning to all others who might hereafter be tempted to the perpetration of a crime of so deep a dye. A short time, a very short time, remains for you to supplicate for that mercy in another world which public justice forbids you to expect in this. Sincerely do I hope that the short interval that has elapsed since the commission of this atrocious offence has not been unemployed by you in soliciting that pardon from the Almighty which I trust your prayers may obtain, through the merits of your Redeemer, whose first attribute is mercy. It only now remains for me to pass the dreadful sentence of the law, which is—

“That you be taken from hence to the place from whence you came, and from thence to the place of execution, where you shall be hanged by the neck until you be dead ; your body to be dissected and anatomized !”

The only persons that saw Bellingham, from the sentence to the moment of execution, besides the ordinary and keepers, were Mr. Alderman Wood, Mr. Sheriff Heygate,

Mr. Stephen, M. P. brother-in-law to Mr. Wilberforce, Mr. Joseph Butterworth, of Fleet-street, and the Rev. Mr. Wilson, of John-street chapel. The four first went to the cell on Sunday, at one o'clock. Bellingham was asked how he did. He answered very cheerfully, "I am as well as I can be with bread and water." Mr. Stephen addressed him, by saying, that he was a very intimate friend of Mr. Perceval; that he did not come to see him out of any curiosity, but with a sincere desire to know if he were fitted for another world; and that he was certain, it was of all things what Mr. Perceval wished, if he would declare this to be the case. Bellingham replied, that he had no enmity towards Mr. Perceval, and that he would as soon have killed one of his own children; but he was bound in justice to do what he did. He was about to enter fully into a justification of his case, which he had always done since his confinement; but Mr. Stephen begged him to dismiss every feeling of that nature; and, in a very energetic address of half an hour, endeavoured to impress on his mind the necessity of a due penitence. He appeared very much pleased with it. Mr. Butterworth also addressed him at some length. During the whole of the time he was very attentive. He was asked whether he was of the church of England? He said, Yes; but that he went to other places of worship, for religion was in the heart, and not in the forms. He said he had been attended in the morning by Dr. Ford, the ordinary, from whom he had received comfort and consolation; that he was to see him again on Monday morning at half-past six. He was asked whether he would like to have another clergyman that evening? He said he should like it very much.

Mr. Stephen undertook to get a clergyman to attend, and in the evening Mr. Wilson, of John-street chapel, went to him. Mr. Newman mentioned that the town clerk of Liverpool and a Mr. Parden had called, and said that his wife and children would be taken care of. He received this information without any emotion; but said he should like to have seen Mr. Parden. Mr. Parden,



and he, it is believed, had some business together. It is said he wrote to Mr. Parden on the Monday of the assassination, that he should play a card that would surprise them all. During the whole of this interim, which was full an hour, Bellingham appeared composed, and conducted himself with great firmness, not expressing any sorrow for the act, except as to the person of Mr. Perceval.

He frequently said he had prepared himself for some time past to go to his Father, and that he should be pleased when the hour arrived. When the party were retiring, he asked Mr. Sheriff Heygate, to allow him a hair-dresser to shave him, as he was not fit to be seen by the clergyman. Mr. Heygate told him he would not allow any person to see him without he was present, and that he was afraid he could not see him again that afternoon. He replied that his hands might be tied.

On Saturday the ordinary made several visits to him. He appeared affected with his situation, but persisted in defending the crime he had committed.

He wrote a letter to his wife, which was delivered to Mr. Newman; and then retired to bed: but was restless and had very little sleep. He complained of the cell being unpleasant to him, and expressed an impatience for the arrival of Monday morning, when he said he should be relieved from his troubles, and he hoped to find more peace in heaven than he had experienced in this world. He requested to know if he could have some tea for breakfast, instead of bread and water; which could not be complied with.

The ordinary attended him again between nine and ten on Sunday morning in his cell; he appeared rather dejected; but dwelt on the promises of the Gospel, and hopes of a blessed immortality, through the mediation of the Redeemer. He was particular in his enquiries as to the hour and place of execution; and remarked that—“life had been a weary pilgrimage to him—the bliss fleeting and illusory: the misery permanent and real; in laying it down he had no vain regrets to make.” In this

strain he continued the conversation for some time, but could not be brought to make any acknowledgment of the crime he had committed.

About six o'clock on Monday morning after sentence, he rose and dressed himself with great composure, and read for half an hour in the prayer-book. Dr. Ford being then announced, the prisoner shook him most cordially by the hand, and left his cell for the room allotted for the condemned criminals. He repeated the declaration which he had frequently before made, that his mind was perfectly calm and composed, and that he was fully prepared to meet his fate with resignation. After a few minutes spent in prayer, the sacrament was administered to him; during the whole of which ceremony he seemed to be deeply impressed with the truths of the Christian religion, and repeatedly uttered some pious ejaculations. After the religious ceremony was ended, the prisoner was informed that the sheriffs were ready. He answered in a firm tone of voice—"I am perfectly ready also."

The executioner then proceeded to fasten his wrists together. Bellingham turned up the sleeves of his coat, and clasped his hands together, presenting them to the man who held the cord, and said, "So." When they were fastened, he desired his attendants to pull down his sleeves, so as to cover the cord. The officer then proceeded to secure his arms by a rope behind him; when the man had finished, he moved his hands upwards, as if to ascertain whether he could reach his neck, and asked whether they thought his arms were sufficiently fastened, saying that he might possibly struggle, and that he wished to be so secured as to prevent any inconvenience arising from it, and requested the rope might be tightened a little, which was accordingly done. During the whole of the awful scene, he appeared perfectly composed and collected; his voice never faltered; but, just before he left the room to proceed to the place of execution, he stooped down his head and appeared to wipe off a tear. He was then conducted by the lord mayor, sheriffs, under sheriffs, and officers (Dr. Ford walking

with him,) from the room in which he had remained from the time his irons were taken off, through the Press-yard, and the prison, to the fatal spot, before the debtors' door at Newgate.

He ascended the scaffold with rather a light step, a cheerful countenance, and a confident, a calm, but not at all an exulting air. He looked about him a little lightly and rapidly, which seems to have been his usual manner and gesture.

Before the cap was put over his face, Dr. Ford asked if he had any last communication to make, or any thing particular to say. He was again proceeding about Russia and his family, when Dr. Ford stopped him, calling his attention to the eternity into which he was entering, and praying, Bellingham praying fervently also. The clergyman then asked him how he felt? he answered, calmly and collected, "he thanked God for having enabled him to meet his fate with so much fortitude and resignation." When the executioner proceeded to put the cap over his face, Bellingham objected to it, and expressed a strong wish that the business could be done without it; but Dr. Ford said that was not to be dispensed with. While the cap was putting on and fastening on, it being tied round the lower part of the face by the prisoner's neck-handkerchief and just when he was tied up, about a score of persons in the mob set up a loud and reiterated cry of "God bless you!" "God save you!" This cry lasted while the cap was fastening on; and, though those who set it up were loud and daring, it was joined in by but very few. The ordinary asked Bellingham if he heard what the mob were saying? He said he heard them crying out something, but he did not understand what it was, and enquired what? The cry having by this time ceased, the clergyman did not inform him what it was. The fastening on of the cap being accomplished, the executioner retired. A perfect silence ensued. Dr. Ford continued praying with him for about a minute, while the executioner went below the scaffold, and preparations were made to strike away its supporters. The clock struck eight; and, while it was striking the seventh

tine, the clergyman and Bellingham both fervently praying, the supporters of the internal part of the scaffold were struck away, and Bellingham dropped out of sight down as far as his knees, his body being in full view, and the clergyman was left standing on the outer frame of the scaffold. When Bellingham sunk, the most perfect and awful silence prevailed, not even the slightest attempt at a huzza or noise of any kind whatever was made.

The body was carried in a cart, followed by a crowd of the lower class, to St. Bartholomew's Hospital, and privately dissected.

We did not hear of any accident, except what arose from a scene of confusion by an over-drove ox forcing his way through the crowd.

The greatest precautions were previously adopted to prevent accidents among the crowd.—A large bill was placarded at all the avenues to the Old Bailey, and carried about on a pole, to this effect:—"Beware of entering the crowd!—Remember thirty poor creatures were pressed to death by the crowd when Haggerty and Holloway were executed."

To prevent any disposition to tumult, a military force was stationed near Islington, and to the south of Blackfriars' bridge; and all the volunteer corps of the metropolis received instructions to be under arms the whole of the day.

Lord L. Gower, of whom Bellingham so bitterly complained, having explained his conduct to the secretary for foreign affairs; we hold it meet, in justice to that nobleman, to subjoin a copy of his letter on that occasion.

COPY OF A LETTER FROM LORD GRANVILLE LEVESON  
GOWER TO VISCOUNT CASTLEREAGH.

"MY LORD, Stanhope-street, May 17, 1812,  
"IT appears upon the trial of John Bellingham for the murder of Mr. Perceval, that the prisoner, in his defence, endeavoured to justify that atrocious act on the

ground of his Majesty's government having refused to compensate him for the injuries and oppression he states himself to have suffered in Russia, during the time I had the honour of representing his Majesty in that country. He complained particularly of my conduct, and that of Sir Stephen Shairpe, his Majesty's consul-general, as having sanctioned, by our silence and neglect to interfere in his behalf, the unjust treatment, as he considered it, of the Russian government.

I was subpoenaed by the prisoner to attend the trial; I did attend, and expected anxiously to be called upon, to state, upon oath, all I could recollect of the circumstances of his case in Russia. In this expectation, however, I was disappointed; my testimony was not called for; and, after having heard the most serious accusation of gross neglect of duty and want of common humanity, brought forward by the prisoner, against myself and Sir Stephen Shairpe, I had not the opportunity afforded me of publicly refuting those charges. Although I am perfectly aware that the assertions of a man, standing in the situation of Bellingham, can, unsupported by any other testimony, have no weight whatever with the sober and reflecting part of the public, yet I should be wanting, I think, to the interests and honour of the government of this country, as well as to my own character and reputation, if I did not endeavour to do away any possible misapprehension upon this subject, by as ample a statement of the circumstances, as my memory, of transactions which passed some years ago, will allow me to furnish.

As you, my lord, are at the head of that department under which I was employed, I conceive it to be my duty to address this statement to your lordship.

In the year 1805, I remember receiving a letter from John Bellingham, complaining of his being detained in prison in Archangel, and claiming my protection, against what he conceived to be the injustice of the constituted authorities of that port; I remember that immediately upon the receipt of this letter, I consulted with Sir

Stephen Shairpe, who agreed not only to write a letter to the governor-general, requiring an explanation of the circumstances of which Bellingham complained, but also to his own mercantile correspondents, British residents at Archangel, for their opinion of the conduct of the Russian government towards the complainant.

It appeared from these enquiries that Bellingham having been engaged in commercial business with the house of Dorbecker and Co. pecuniary claims were made by each party against the other, and that these claims had been by the governor-general, referred for decision to four merchants; two British merchants being appointed on the part of Bellingham, and two other persons on the part of Dorbecker. By the award of those arbitrators, Bellingham was declared to be indebted to the assignees of Dorbecker the sum of two thousand roubles. This sum Bellingham, notwithstanding this decision, refused to pay.

It also appeared, from the communications received from Archangel, that a criminal suit had been instituted against Bellingham, by the owners of a Russian ship which had been lost in the White Sea. They accused him of having written an anonymous letter that had been received by the under-writers in London, in which letter it was stated, that the insurance of that ship was a fraudulent transaction; and payment for the loss of her had been in consequence resisted. No satisfactory proof was adduced against Bellingham, and he was acquitted of this charge.—But before the termination of this suit, he attempted to quit Archangel; and, being stopped by the police, whom he resisted, he was taken to prison; but was soon after liberated, in consequence, I believe, of a second application to the governor from Sir Stephen Shairpe.

About this period I quitted Russia; and I have no recollection of hearing any thing more of John Bellingham, till after my arrival at St. Petersburg upon my second embassy. He came running into my house one evening, and solicited me to allow him to remain all night, in order to avoid being retaken into custody by

the police from whom he had escaped. I complied with this request, though I could not, upon any ground, assume to myself the power of protecting him from legal arrest. It appeared that the award of the Arbitrators of Archangel had been confirmed by the senate, to which body Bellingham had appealed; and he was in consequence delivered over to the custody of the college of commerce (a tribunal established for the special purpose of taking cognizance of commercial matters relating to British subjects, and whose authority was recognized in the commercial treaty between the two countries,) there to remain till he discharged the debt of the two thousand roubles. This custody was not very strict, for he was allowed to walk wherever he pleased, attended by a police-officer belonging to the college. He came frequently to my house, and at various times received from my private secretary small sums of money, to support him during his confinement. Confined as he was by the legal authorities of the country, I could on no pretence make any application for his release; but I remember well, in conversation with the minister for foreign affairs, expressing my personal wish that the Russian government, seeing no prospect of recovering the sum of money required from him, would liberate him from prison, on condition of his immediately returning to England.

“ Very soon after this conversation, all diplomatic intercourse ceased between the two courts; and the course of public events necessitated my quitting Russia in the abrupt manner with which your lordship is well acquainted.

“ I am, my lord, with great respect,

“ Your lordship’s most obedient humble servant,

(Signed) GRANVILLE LEVESON GOWER.

“ The Viscount Castlereagh, &c. &c. &c.”

## DANIEL DAWSON,

*Convicted at the Summer Assizes 1812, and executed at Cambridge, for Poisoning Race Horses at Newmarket.*

DANIEL DAWSON had been tried for a crime similar to the above at the preceding Lent assizes, and was acquitted on the grounds that he had been indicted as a principal, instead of an accessory, so that the indictment in point of law could not be maintained.

In this instance he was arraigned on four indictments, with numerous counts, viz. for poisoning a horse belonging to Mr. Adams, of Royston, Herts, and a blood mare belonging to Mr. Northey, at Newmarket, in 1809; and also for poisoning a horse belonging to sir F. Standish, and another belonging to lord Foley, in 1811, at the same place. He was tried and convicted on the first case only.

Serjeant Sellon opened the case, and detailed the nature of the evidence.

The principal witness, as on the former trial, was Cecil Bishop, an accomplice with the prisoner. He proved having been for some time acquainted with Dawson; and, that on application to him, he had furnished him with corrosive sublimate to sicken horses, as a friend of his had been tricked by physicking his horse, which was about to run a match. He went on to prove, that Dawson and himself had become progressively acquainted; and, that on the prisoner complaining the stuff was not strong enough, he prepared him a solution of arsenic. Witness described this as not offensive in smell, the prisoner having informed him that the horses had thrown up their heads, and refused to partake of the water into which the corrosive sublimate had been infused. The prisoner again complained the stuff was not made strong enough; and, on being informed if it was made stronger it would kill the horses, he replied he did not mind that; the Newmarket frequenters were rogues, and if he, mean-



ing witness, had a fortune to lose, they would plunder him of it. The prisoner afterwards informed witness he used the stuff, which was then strong enough, as it had killed a hackney and two brood mares. The other part of Bishop's testimony went to prove the case against the prisoner.

Mrs. Tillbrook, a respectable housekeeper at Newmarket, where the prisoner lodged, proved having found a bottle of liquid concealed under Dawson's bed, previous to the horses having been poisoned, and that Dawson was out late on the Saturday and Sunday evenings previous to that event, which took place on the Monday. After Dawson had left the house, she found the bottle, which she identified as having contained the said liquid, and which a chymist proved to have contained poison. Witness also proved that Dawson had cautioned her that he had poison in the house for some dogs, lest any one should have the curiosity to taste it. Other witnesses proved a chain of circumstances, which left no doubt of the prisoner's guilt.

Mr. King, for the prisoner, took a legal objection, that no criminal offence had been committed, and that the subject was a matter of trespass. He contended, that the indictment must fall; and, as it was necessary to prove that the prisoner had malice against the owner of the horse, to impoverish him, and not against the animal. He also contended that the object of the prisoner was to injure, and not to kill.—The objections, however, were over-ruled without reply, and the prisoner was convicted.

The judge pronounced sentence of Death on the prisoner, and informed him, in strong language, he could not expect mercy to be extended to him.

In the condemned cell, Dawson planned his escape, as will appear from the following copy of an intercepted letter to his wife :

“DEAR WIFE,

“I learn by your's I am in danger ; by that I have another way to escape without fear of being discovered -

You go to a tool-shop, and get a small hack saw, as the watch-makers use, the smaller the better, to convey to me ; the best way you can get it in will be between some turf, with some black thread ; if you can find a better way, do it ; but be careful, for all the danger is to get that to me, for I have but one bar to cut, and I am in town by four o'clock in the morning.—They will not miss me till eight, when they come to unlock us. I shall be by that out of their reach. Dear Girl, bring me the turf six pieces at a time. When I have got the saw, I must have some friend come round to see the Castle, but take no notice of me but to see the situation ; I am in full north ; and come again in one hour after we lock up ; bring rope enough to reach over the wall, and be stand on the other side, and hold it till I am up the wall. Fasten a large spike to the end of the rope, and throw it over the wall, and tie knots about nine inches asunder, to hold by, and about twenty-five feet long. There is no danger in this, for there is nobody inside, after we come to bed. A rainy night will be best, but I will let you know the night by another line. Mr. Prince says he has got a very respectable man, who will come forward, and swear to every thing of the concern, all but seeing it put in. If any body can be found to write to Lord F. O. (alluding to a threat), it will have great effect. Mr. J. B. South-street, Grosvenor-square, Mr. B. King's Mews, Elbs (meaning Theobald's) Road, Gray's-Inn-lane, have a good look-out, if there is any danger. I shall soon be along with you, with a little of your assistance ; by applying to the people above-mentioned, you will get good intelligence. When you write, direct your letters to Mrs. Howel's sister. When you come ask me for my pocket-book, and I can give you all at once. I shall call them things breeches and coat, so you will know."

This letter was detected by Mr. Orridge, in the hand of Dawson's wife, when parting from him in a more affectionate manner than usual, which excited suspicion.

Dawson had been many years a *toulter*, that is, a person who hides among the furzes on the heath to see the trials of horses, and reports to the *betters*, who have confidence in his judgment and *honour*. Though perfectly illiterate, he had a comprehensive mind, and was esteemed an excellent judge, so as readily to distinguish accurately the superior powers of one horse over another. Lord F. Osborne had been twice with Dawson after his condemnation, at the convict's own request; but, having heard what he had to communicate, gave him no hope of mercy.—Dawson had made some secret communications to lord Foley, previous to his condemnation; and his lordship was certainly much disposed to save his life. In speaking of the Newmarket frequenters, he represented the aggregate as persons equally fitted with himself for the calamitous situation in which he was then placed. Of his colleague, Bishop, he spoke with great bitterness to his last moment, and so freely of a certain distinguished *Turf Club*, as to declare, "that, in his opinion, there were not three fair upright *betters* amongst them!" Against Lord ——— he inveighed in the severest terms, declaring, "that if his lordship had made a *match* with his Creator, he would *cheat* him if he could!" He mentioned to his legal adviser that Trist was totally ignorant of the transaction. He persisted to the last that he never intended to destroy the horses by poison, but only to incapacitate them from winning; and said, that about twenty horses were thus *physicked* at Newmarket within his knowledge, but that neither *Wizzard* nor *Clinker* were so *physicked*. He had certainly a design of self-destruction, and avowed it, but was reasoned out of so desperate an act by his afflicted wife, and Mr. Pearce the chaplain.

This unfortunate man suffered the awful sentence of the law, at the top of Cambridge Castle, amidst a surrounding assemblage of at least twelve thousand spectators, it being the market-day. Previous to Dawson's condemnation, and for a day or two after his conviction, he was unruly and boisterous in the extreme; but the unremitting and pious exhortations of the chaplain trans-

formed him to a convert, and instilled into his mind those religious precepts, which alone enabled him to meet his fate with a confidence of forgiveness in the next world. The culprit spent his last days in the fervency of prayer ; and, on the scaffold, he behaved with a manly but religious fortitude, and expressed his fervent hope of enjoying a more happy state. Dawson made a full confession of his guilt, and he also made a declaration of his accomplices in the whole poisoning business. To the honour of the turf, however, not a single gentleman was involved in the confession. The parting between the prisoner and his wife, who is a very respectable woman, was very affecting, and which Dawson described as more to him than death itself. At twelve o'clock the culprit was launched into eternity, after twenty minutes had been spent in prayer. The body was afterwards deposited in a coffin, for interment. He declared he never meant to kill, but to physic, the horses.

### THOMAS BOWLER,

*Executed before Newgate, for maliciously shooting at Mr. Burrowes, his Neighbour.*

THIS is one of those dreadful cases in which revenge has hurried the person it has tormented to seek the life of a fellow creature. Thomas Bowler had had a dispute with his neighbour, Mr. Burrowes, which had been apparently settled, but his subsequent conduct lamentably proved the reconciliation was nothing more than apparent. Both he and Burrowes were farmers, the former possessing considerable property at Harrow in the county of Middlesex ; the latter was also a salesman who attended the London markets.

On the 30th of May, 1812, Bowler came to a blacksmith of the name of Jones, on the road side leading from Harrow to London, and had with him a blunderbuss.—He complained to Jones that the pan would not

hold the powder, and said he wanted to shoot a dog, observing, at the same time, that the blunderbuss would bring him down. He placed the blunderbuss behind the vice, and went to a neighbouring tree, from which he had a view of the road. He watched for some time; said he wanted to see Burrowes, as it would save him a journey to London. After some time, Burrowes came along the road, and, seeing the prisoner, was about to draw up his chair cart to speak to him; when Bowler, who had before taken the blunderbuss from the smith's shop, immediately levelling it, fired at him, saying—"There, d—n you."

The contents knocked Mr. Burrowes backwards, but, partially recovering, he fell forwards on the shafts of his cart, and the horse, taking fright at the report, set off at full speed. As soon as he had fired, Bowler called to his grandson, a boy who rode his horse at a short distance; and, ordering him to dismount, took his place on the saddle, and galloped off, calling, with an oath, for the boy to follow him.

Bowler fled upon the same horse to Waddesdon near Aylesbury, about thirty miles, where he arrived at three o'clock in the afternoon, and there remained until six the next morning.

So public and daring an attempt to murder soon reached the police in London; and two officers from Marlborough-street, Foy and Craig, instantly set off in pursuit of the assassin. They traced him from public-house to public-house between the two turnpike roads, for several days, and they at length followed him back to the place of his birth, where he had stated his case to a female relation, in whose house he intended to sleep that night. The officers returned on Saturday morning, after an unsuccessful pursuit; but in the afternoon an express arrived that Bowler had returned to his own house, where he was taken by his neighbours. The officers brought him to London, and he underwent an examination before Mr. Conant, at ten o'clock on Saturday night. He confessed discharging the blunderbuss at Mr. Burrowes, but said he was mad at the time; and, to strengthen the assertion, he asked, if a man in his senses would do

such a thing, to be obliged afterwards to lie about in the fields, and drink ditch water. He pressed strongly to be admitted to bail, and offered 10,000*l.* deposit to be allowed to return home.

On the 30th May, 1812, he was capitally indicted, for wilfully, maliciously, and feloniously, firing a loaded blunderbuss at William Burrowes, at Alperton, in the parish of Harrow.

This trial lasted from ten in the morning until seven in the evening.

The first witness was William Burrowes, who stated, that he is a farmer at Alperton, in the parish of Harrow, and a hay-salesman in St. James's Hay-market. He usually passes from his own residence every market morning, by that of the prisoner, on his way to town; and, about seven o'clock in the morning above stated, he was travelling towards London, in a chaise-cart, over the canal bridge, near his house, and the forge of a blacksmith, named Jones, when he observed, under the shade of a tree, close by the road side, and at about twenty yards from him, the legs and thighs of a man, whom he took to be the prisoner, and, when he came within fifteen yards of him, the prisoner raised a blunderbuss, took deliberate aim at him, and immediately the witness stooped down in his cart, and requested he would not fire. The prisoner immediately exclaimed, "D—n your eyes, take that," and fired. The witness instantly found himself wounded in the head, neck, and back. He fell forward in the cart across the shafts; and his horse, affrighted by the report of the piece, ran away with him. Witness had no previous quarrel with the prisoner; had some conversation with him the Wednesday before. There had been some trifling dispute between them on account of the witness having lopt some trees which he did not know to be the prisoner's property. This was about the middle of March, and nothing had passed between them personally on the subject of those trees.

*Cross-examined by Mr. KNAPP.*—Witness said he had observed nothing in the prisoner's manner, conversation, or conduct, on the preceding Wednesday, when he

conversed with him, to give him reason to think he was not right in his mind ; nor did he ever declare any opinion that a statute of lunacy should be taken out against him. He had, some time ago, borrowed of the prisoner about 200*l.* for which prisoner called on him rather suddenly. He paid him the money with some expressions of resentment ; but the prisoner would not take the interest, which amounted to about 3*l.* or 4*l.*

Henry Jones, blacksmith, said, that on the morning stated, he met the prisoner on the bank of the canal, near his house, with a blunderbuss in his hand, on foot, accompanied by a boy, his grandson, named Bargam, on horseback. He told the witness his blunderbuss would not hold the priming, and wished him to go to his shop, and put it in order. Witness accompanied him to the forge, where prisoner laid it on the vice-board, and told him to take care of it, as it was loaded, and on full cock ; he told witness he only wanted to shoot a dog with it, but did not wish to let the boy know : he hoped it would fetch the dog down. He then went out, leaving the blunderbuss there, and walked up and down the road till near seven. He heard him tell his grandson, that he wanted to see William Burrowes, as he wanted him to purchase a load of straw in town, and save himself the journey. The prisoner returned, and took away the blunderbuss, and posted himself close to the opposite ditch, under the shade of an elm-tree which concealed him from the view of any person coming from the bridge. In a little time afterwards, when Mr. Burrowes came over the bridge, and was within a short distance of the prisoner, he raised the blunderbuss to his shoulder, and fired at him in the manner already described ; on which Mr. Burrowes fell in the cart, and his horse ran away with him. The boy dismounted ; and the prisoner, in endeavouring to mount the horse, dropped his hat ; but he picked it up, put it on, mounted, and galloped off over the bridge, calling to his grandson, “ Never mind ! d—n your eyes, follow me ! ”

Jane Jones, wife of the last witness, and Mary Anne Bond, both eye-witnesses of the transaction, corroborated

the foregoing testimony; and produced two leaden bullets, with the hat of Burrowes perforated by two shot-holes, which they picked up on the spot where he was wounded. Mary Church had immediately afterwards found the blunderbuss beside the ditch, where the prisoner had thrown it; and it was identified by Jones, the blacksmith, as the one he saw.

William Sheppard, a stable-keeper of Bolsover-street, knew the prisoner and prosecutor. In March last, the prisoner said to him in the Haymarket, St. James's,—“D—n that Burrowes's eyes! I'll Burrowes him before long! he sha'nt live to the end of June, if I was to be hanged the next moment.” Witness said, “Mr. Bowler, don't take away a life, because you can't give it again.” But the prisoner answered, “I'll be d—d if I don't be the death of him before the middle of June, if I was to be hanged the next morning.” Witness acquainted Mr. Burrowes with what Bowler had said; and he answered, “I don't fear him, he is too fond of his own life to take away mine.”

John Eamer, brother-in-law of Mr. Burrowes, proved that he apprehended the prisoner, who had absconded, on the 6th of June, at his own house, and brought him to town; that the prisoner, on the road, entreated him not to take him from his own family; said that as he was a relation of Mr. Burrowes, he could do a great deal for him; and that if he would suffer him to remain confined with his daughters and grand children, he would give him ten, twenty, or thirty thousand pounds. The witness, however, brought him to Marlborough-street-office.

Mr. Withers, attorney and son-in-law to the prisoner, proved, that the dispute between the prisoner and Mr. Burrowes about lopping the trees was adjusted without any law-suit. He said that he had a fit last July in his hay-field, and fell from his horse, and that from that time to the present he appeared much deranged in his memory, intellect, temper, and deportment; and particularly since March last; that he was in the habit of



rising at two or three o'clock in the morning, breakfasting at four or five, playing cards with his housekeeper till nine or ten, when he usually dined upon meat half raw; and sometimes scarcely warmed through, and going to bed again at three o'clock; that he one time proposed to this witness to dance for him while he played on the gridiron. He seemed to be much oppressed with an apprehension that he had committed some mistake in purchasing his land-tax, which rendered him liable to be exchequered, and deprived of his estate; and he could not be persuaded to the contrary, although no such mistake existed; and at one time he gave the witness a blank check on his banker to fill up at his discretion, for any sum that might be necessary to save him from the consequences of his supposed mistake. He talked of leaving the country, and said, that it was owing to a conspiracy between Mr. Burrowes and some of his neighbours, that he was to be exchequered. The witness, however, admitted on his cross-examination, that the prisoner was allowed to manage his own affairs, and that, notwithstanding his threats, and the apprehension of his friends for the destruction of his own life, he was allowed to shave himself; and that no steps were taken to restrain him as a person deranged. Witness refrained from such steps through motives of delicacy; but he thought his wife sent for a medical man to attend him.

Mr. Winkley, a school-master of Harrow, swore, that in consequence of directions from the prisoner, he waited on him between five and seven in the evening of Wednesday previous to the Saturday on which the fact was perpetrated, to take instructions for altering his will. He took those instructions in the presence of two of his neighbours, drew the new will on the following day, and waited on the prisoner in the presence of those witnesses on the Friday afternoon, when he declared it was all right, and executed it duly in the presence of two other witnesses, who signed their names; and all those witnesses deposed, that the prisoner appeared to them throughout the whole of this transaction, to be perfectly

collected, and in a state of mind quite capable of transacting the business he was about: in fact, they saw nothing the matter with him.

Here the evidence closed on the part of the prosecution.

The prisoner said nothing in his own defence; but a considerable number of witnesses appeared to prove his insanity from the time he had the fit, and fell in his hayfield, in July 1811.

Mr. Hyatt, an apothecary of Ealing, was the person who attended him, and deposed to that effect. He admitted, however, that he had not advised his friends to proceed to a statute of lunacy, although he attended a consultation on that subject a few days before this unfortunate event, and he had it fully in his intention to recommend such a proceeding. He had always considered the prisoner to be a violent and passionate man, but never so much so as since July, 1811.

Dr. Ainsley had visited the prisoner in gaol since his apprehension, on the 11th, 12th, 13th, 15th, 27th, and 29th of June; and, comparing the symptoms of his derangement with the reports of Mr. Hyatt and his friends who had seen him during the last year, was convinced his derangement must have been of long standing, and of the character of the derangement arising from epilepsy; he was persuaded that his derangement continued down to the present moment, with some variation, certainly, for better or worse at times.

Mr. Warburton, who has been for many years in the habit of attending on insane patients, said, it is a characteristic of insanity arising from epilepsy, for the patient to conceive strong antipathies, and desire of vengeance, against some individuals for imaginary causes, and even against their dearest friends, and not to be susceptible of persuasion to the contrary, although rational and collected on every other subject. He was quite convinced of the prisoner's insanity, and that he himself could not be deceived by appearances, merely assumed.

Mr. Webb, surgeon of New Prison, was of the same opinion.

Mrs. Withers, the prisoner's daughter, bore testimony to his derangement.

Mr. Charles Hollship, clerk of the petty bag-office, in the court of chancery, produced the statute of lunacy obtained against the prisoner, under the great seal, and bearing date the 17th of June, 1812, with the decision of the jury, that he was deranged since the 30th of March, 1812.

Sir Simon Le Blanc, in his address to the jury, observed, that to constitute the crime with which the prisoner was charged, he must have been incapable of judging betwixt right and wrong. The question was, did the mind of the prisoner accompany the act of discharging the blunderbuss? If the jury were of that opinion, they would convict him. It mattered not if he had been insane, as described by the witnesses, some of whom had gone beyond what the law would bear them out in. The jury would direct their attention to the conduct of the prisoner on the morning of the 30th. If he was acting under the oppression of delusion at that time, so as not to have rational understanding sufficient to know that he was doing an act for which he was liable to punishment, he was entitled to a verdict of acquittal; but it should be taken into consideration that he was prepared for an escape, which was a presumption that he had had a knowledge of right from wrong, and that his faculties were unimpaired. The jury would compare this with the surgeon's evidence, and decide by their verdict. The jury retired two hours, and returned a verdict of—Guilty.

As soon as the verdict was delivered, Mr. Burrowes, the much injured prosecutor, rose, and addressed himself to the judge, pleading for mercy to his intended murderer, on the ground of his being a neighbour. However humane the plea, it could not be expected to prevail in behalf of so great and old a sinner.

At the place of execution, before Newgate, he joined

in prayer with the clergyman, and resigned himself with resignation, and without any indication of mental derangement.

He appeared to have been more than sixty years of age, but of a strong corporeal frame.

## JOHN HUGHES AND JAMES ROBINSON,

*Imprisoned and Pilloried, for a Conspiracy in aiding the Escape of the French General Phillipon, and Lieutenant Garnier, Prisoners of War, upon their Parole of Honour at Oswestry in Shropshire.*

It has lately been discovered that the escape of French prisoners has been a system among smugglers, fishermen, and publicans on the coast opposite France. These traitors went to the different depots of French prisoners, and to those on their parole, from time to time, to offer to effect the escape of such as could raise certain sums of money to defray the expences and rewards payable in this country, whereby many officers have been enabled to break their parole, and have got safe to France, where they have been received by public officers at the ports, who paid the sums agreed upon for their sea-passage.

The discovery was made by the apprehension of eight officers, who left Andover the 1st of October, 1812, and were compelled, by stormy weather, to re-land near Christchurch, on the 12th of October, after having embarked from that neighbourhood in a Weymouth smuggling boat.

They had reached the coast, between Christchurch and Lymington, by the skill of their guides, without interruption; but, unable to conceal themselves effectually on their re-landing, notice was given of the suspicious appearance of the parties, to Mr. G. Rose, at Mudeford, by Mr. How, a most meritorious officer in the superior class of the customs, whose zeal and courage have often been conspicuous, but in no case more so than in

this. An active investigation was immediately set on foot by the above-mentioned magistrate, at whose instance Mr. How was permitted by his board to assist. Vickery and Adkins were sent for from Bow-street; and Mr. Jones, assistant solicitor to the admiralty, was sent to Mr. Rose by the transport board. A pursuit after the offenders was then made in various directions, and Calliford (who had been convicted in 1811, of a similar offence before Mr. Baron Graham,) a remarkably desperate man, who was always armed, and who had the leading active share in the conspiracy, was taken in Somersetshire by Mr. How, who, finding him dressing his horse in a stable, broke in upon him, and seized him by the collar with one hand, holding a pistol at his head with the other, and then gave him to the care of Adkins, to be conveyed in irons to Mr. G. Rose, at Mundeford.

At the assizes for the county of Sussex held at Lewes, the 4th day of August 1812, before the lord chief justice Ellenborough, John Hughes, inn-keeper and post-master of Rye, James Robinson a miller near Oswestry, William Hatter, and William Turner, fishermen of Rye aforesaid, were indicted for a conspiracy to aid the escape of Arnaud Phillipon and Philip Auguste Garnier, French prisoners of war, from Oswestry, in Shropshire.

Mr. Serjeant Best opened the case.

Mr. Toosley proved that general Phillipon was a prisoner at Oswestry, and that the last time he saw him was about twelve o'clock on the 30th day of June. Garnier had also been a prisoner about three years. Phillipon was a tall man, about six feet, thin, with a scar over his eye, and usually wore a grey coat, with a blue great coat. Garnier was about five feet six inches, thin and pale, and wore a blue coat, with a brown great coat. The defendant, Robinson, had lately taken a mill within three miles of Oswestry; but had not carried on much business as a miller. On the 30th of June he sent his servant to Shrewsbury, to get a weighing machine, and directed him to wait his coming. At length, in the evening, Robinson came, in a gig, and had a poney tied to the shafts; he told the man to go forward to Heygate, with him,

and the man rode the poney until they overtook a gentleman on the road, a small man in a blue coat and brown great coat. They went to Heygate, which is on the Birmingham road, and there Mr. Robinson bespoke a chaise, and himself with two gentlemen got into it and went away for Birmingham. The post-boys then traced Robinson and the two gentlemen to the Shakspeare tavern, at Birmingham, where they breakfasted the next morning. The next morning a travelling chariot, with a dicky-box, took them from the Shakspeare.

It appeared that Robinson had passed through Birmingham about ten days before, and had bespoke this carriage at a Mr. Wheeley's, a coach-maker at Birmingham; and had agreed at the same time with a post-chaise driver, of the name of Yoxall, to go with him as a servant, for which he was to give him a pound a day, and a new hat and coat, and told him to be ready to set off on the first day of July. Accordingly Yoxall came with the carriage to the Shakspeare. He then travelled with them as a servant, and hired the horses, &c. on the road. He did not know the two gentlemen who accompanied Robinson, and he never heard them speak. At length they arrived at Rye, and were put down at a public-house, kept by the defendant Hughes.

While they were at Birmingham, Robinson received a letter in the hand-writing of Hughes, but signed by Jones, stating, that all was well and ready. Robinson, and the two persons with him, continued at Rye some days. In the mean time the escape of general Phillipon was made public, and a sharp look-out was kept along the coast for any boat going out or coming in from sea; at length, on the 12th of July, an open boat was seen rowing into Rye early in the morning, which had Robinson, Hatter, and Turner aboard. Robinson got ashore before the officers could overtake him, and upon their questioning the two other defendants as to who he was, they said he resided in that neighbourhood.

He was traced to the house of Hughes; and, when the officers entered the house, his boots were wet with seawater. He said, upon being questioned, it was so, and

that he had been out all night at sea mackarel fishing. Upon this statement, himself, Hughes, and the two other men, were taken into immediate custody; but there was no distinct evidence as to the identity of the persons of Phillipon and his companion; but all the witnesses gave a description of their persons answering to the description given of them by Mr. Toolsey, the agent at Oswestry.—Upon this evidence the jury found them—Guilty.

Sentenced to imprisonment, and the pillory.

On Saturday, the 29th of August following, Hughes and Robinson were brought out of prison, where they had been confined since their conviction, and placed in and upon the pillory on the sea shore of the town of Rye, opposite the French coast, where they remained one hour, amid the scoffs and execration of every true English spectator.

Hughes, on ascending the platform, exclaimed, “Now, Robinson, we shall have a peep at Boney’s ‘Tower;’” (meaning Boulogne where they landed the general) and, indeed, the whole of his conduct, while undergoing the humiliating but just punishment of the law, was such as to prove him a man hardened in vice. They were afterwards remanded to prison, where they are to be confined for the space of two years; a lenient punishment for an offence which the judges have frequently pronounced to be little short of high treason, and which by a recent act of parliament is made felony.

It is thereby enacted, “That any person who shall, from and after passing the act, knowingly aid or assist any foreign enemy of his Majesty’s dominions, whether such prisoners shall be confined as prisoners of war in any place of confinement, or shall be suffered to be at large on his or their paroles, to escape from such place of confinement, or from his Majesty’s dominions, if at large upon parole, shall, upon being convicted thereof, be adjudged guilty of felony, and liable to be transported for life.”

From the passing of this act, we hoped that our degenerate countrymen, would have been deterred from

such treasonable and sordid practices; but, in the very face of it, and as soon after its becoming the law of the land, as the 9th of December following, we find, at the town of Shrewsbury, the apprehension of the French general Le Brun, and his aid-de-camp, who had been ordered to Welsh Pool on their parole of honour, and were making their escape, assisted by the son of a well-known Kentish smuggler, and others. All the parties were secured, and lodged in Shrewsbury gaol. The flight of the Frenchmen is attended with more danger than they are aware of, and it is fortunate for them to be taken before they quit the kingdom; for, as the wretches who guide them are guilty of a felonious offence, there is no question, that in case they should be pursued at sea by an English cruiser, they would, to avoid detection, throw their unhappy passengers overboard; and many, we have no doubt have perished this way.

The dishonourable flights of French officers from the English towns where government, upon the pledge of their honours to remain therein until exchanged, had permitted them to reside; and the daring outrageous conduct of their inferiors under confinement at the different depots, amounting to between twenty and thirty thousand, calls for stricter measures being enforced towards them. In that at Dartmoor, near Plymouth, on the 16th of September, 1812, the prisoners had worked themselves up to the highest pitch of rage at being allowed no more than one pound of biscuit per day. The use of biscuit, it is to be observed, was to be discontinued as soon as the bakehouses had been rebuilt; but the Frenchmen were absolutely deaf to remonstrances. A detachment of the Cheshire militia, and the South Gloucester regiment, were drawn up on the walls surrounding the prison; and although they had loaded their pieces with ball, the prisoners appeared undaunted, and insulted them in the grossest terms: indeed our brave men withstood the contumelious language of the prisoners with a patience beyond all praise. A sentinel on duty, called Jones, had his bayonet wrenched off his



piece, yet nobly reserved his fire: an officer, however, followed the Frenchman, struck him over the shoulder with his sword, and brought off the bayonet. The Frenchmen even bared their breasts to the troops, and seemed regardless of danger. The number of prisoners is about 7500; and so menacing was their conduct, that an express was sent off to Plymouth Dock, at eleven o'clock on Sunday night, soliciting immediate assistance. Three pieces of artillery (six-pounders) were in consequence sent off, early on Monday morning; and on their arrival at the principal gate (iron), the bars of which, of immense size, had been previously broken by stones hurled against them by the insurgents, they were placed in such directions as completely to command the whole of the circle which the prison describes. This had the desired effect, and order was restored.

At the depot at Perth, an attempt by the prisoners in the depot to effect their escape was discovered and prevented. A mine, on which they had been employed three days was excavated from within the privy of the prison, allotted to the petty officers, and had been pushed as far as the outer wall, on the inside of which the earth gave way, and occasioned a detection of the stratagem. The digging had been carried on through the day; and at night, when the privies are inspected, the stones which had been removed, were so neatly and regularly replaced as to prevent suspicion. The petty officers are confined in the upper story of the prison, through the floor of which they had cut a hole, by which they might pass to the lower. They had afterwards cut out the lock of the door which opens to the yard, and consequently to the entrance of their mine.

The French prisoners on board the *Sampson* at *Chatham*, about the same time, became very troublesome, on account of their being put to two-thirds allowance, to make up for the expense of repairing the damages done by their cutting the ship, to endeavour to effect their escape; boats manned and armed were sent from every ship; one of the marines of the *Buckingham*, seeing one of the prisoners in the act of stabbing the officer of ma-

rines, he immediately levelled his musket and shot him; several other shots were fired, and before they could be quieted and got below, three were killed and eight others wounded, two of whom are since dead, one of which was the principal ringleader. The other ships remained perfectly quiet.

There is such an irresistible spirit of gambling among the French prisoners lately arrived at that port from Norman Cross, that many of them have been almost stripped naked, having lost their clothes, not excepting even their shirts and small-clothes, to some of their fellow-prisoners; many of them are also reduced to the chance of starving by the same means, having lost seven or eight days' provision to their more fortunate comrades, and who never fail to exact their winnings. The effervescence of mind that this diabolical pursuit gives rise to is often exemplified in the conduct of these infatuated captives, rendering them remarkably turbulent and unruly. A quarrel arose between two of them in the course of play, when one of them, who had lost his clothes and food, received a severe stab in the back with a large knife from his companion, whose anger had been kindled in consequence of the invectives which a run of ill-luck had excited in his adversary.

Two French officers, prisoners of war on parole at Bishops Waltham, having had a dispute, they agreed to decide the affair in an honourable way. A meeting was appointed in a field near the town; but a difficulty occurred in procuring weapons.—It appears that the combatants were only in possession of one sword, and a case-knife. French ingenuity made a pike of the knife, by confining it to the end of a stick: but the sword being considered the best weapon, they resolved to cast lots who should have it. After the sword and knife had been fairly placed in their hands, the duel commenced, and the swordsman gave his antagonist three wounds. The pikeman gave several dangerous thrusts, and both fell on the ground; they remained bleeding and disabled, until they were discovered by several passengers, who conveyed them to a public-house in the vicinity. The

officer who received the cuts from the sabre was not expected to recover. His antagonist is fortunately out of danger.

### EDITH MORREY, AND JOHN LOMAS,

*Convicted of the cruel Murder of the Husband of the Woman; with their Accusations of each other, and Confession after receiving Sentence of Death; and the Particulars of their respective Executions.*

THE trial of these most cruel murderers came on at Chester before Robert Dallas, and Francis Burton, Esqrs. judges of that circuit, on the 21st of July, 1812, and which so much excited public curiosity, that it was computed upwards of four thousand persons were present on the occasion—a greater number than, perhaps, ever gained admission at one time into that court-house on the trial of criminals.

After an investigation into the shocking circumstances attending their case, of seven hours, both were found guilty, and the judge instantly ordered them to be executed on the Monday following. Lomas, on receiving sentence of death, stretched out his hands in agony and exclaimed, “I deserve it all—I don’t wish to live; but I hope for mercy.” During the trial he appeared composed and attentive to the dreadful narrative delivered against him by the different witnesses. His more miserable companion in crime pleaded pregnancy: and a jury of matrons having been impannelled to enquire into the truth of such plea, returned a true bill. Thus, for a while she evaded the just punishment which awaited her.

The following evidence was given against these wretched people on the trial.

Hannah Evans said she had lived servant with the deceased in the month of April last; Edith Morrey was the wife of the deceased; Lomas was also his servant; the deceased had five children, three of whom slept in the same room with her; she went through the room of the

deceased to her own, which was on the ground floor; Lomas slept in a room over the kitchen, and the other two children with him. On the night of the 11th of April she remembered her master coming home; she went to bed about twelve o'clock, and saw her master and mistress go into their room; about two, she was awoke, heard a great noise and two or three blows struck, which appeared to be in her master's room; she afterwards heard more blows and two groans, when she got out of bed. The prisoner (her mistress) came into her room, put out the candle, and told her she must not make a noise, for there were murderers in the house. They then went into the kitchen where she lighted a candle, and went, by her mistress's desire, to call Lomas; he appeared to be fast asleep; she called him twice, and said he must get up as there were murderers in the house; he told her to leave the candle and he would follow her down. Witness and Lomas then went to call one Betty Spode, who lived a short distance from the house; the prisoner Lomas said it was very dangerous going out, and appeared to be much frightened. When morning came she examined the floor, and found thereon many spots of blood; she likewise observed blood upon the stairs leading from her master's room to that of Lomas.

On her cross examination she said that she had been in bed about an hour before she heard the noise. Her mistress ordered her and Lomas to go and alarm the neighbourhood; she never observed any unkindness between her master and mistress; nor ever saw her mistress behave to Lomas otherwise than as to a servant. Her master and mistress were laughing just before they went to bed.

Thomas Timmis said, he was called up, and went to the house of the deceased at about half-past two. He stood a few minutes in the room where Mrs. Morrey (the prisoner) was sitting on a chair holding her apron to her head. He then went into the room where the deceased lay dead on the floor, with his face downwards, and his left hand under his head, an axe lying by him, and

the floor covered with blood; his throat cut from ear to ear.

John Moore stated, that he went to the deceased's house, and on his way there Lomas told him he thought his master was killed; he found Mrs Morrey and her children sitting round the fire. He asked for a lighted candle, and went into the room where he found the body as stated by the last witness. He asked Mrs. Morrey if she suspected any body? She answered, No. He then examined the door, and found that it was fastened with a nail over the latch. Mrs. Morrey said, she supposed somebody had followed him from Norwich, from whence he had just returned.

Thomas Hall, another witness, perceived blood on Lomas's smock frock; and, on examining the house, found blood on the floor, which he traced into the back kitchen, and upstairs into the room where Lomas slept. He then secured Lomas, and Mr. Groom asked him for the key of his box. He replied, "No constable has a right to look into my box." When witness went up stairs again, he said, "Mrs. Morrey, take some kind of linen and throw it on the floor." Her back was towards him. Mr. Groom picked up a shirt of somebody's in Lomas's room, where she had thrown it. He asked Lomas, if that was his shirt; he said it was; it was stained with blood about the wrists. He saw Lomas stript, he had a clean shirt on, and Mr. Groom turned his coat inside out; in the inside there appeared much blood. Lomas said it was his shirt—he had worn it all last week. The bureau in the parlour was then opened; but it did appear to have been broken open. There were two small spots of blood on the sheets; there was a box by Lomas's bed-side; he took out a waistcoat all bloody, and asked Lomas if it belonged to him. He said it was, and asked if they knew where it had been found.

John Groom said he was called up, on the morning of the murder, and went to the house of the deceased. He searched the different lodging houses in the neighbourhood, to seek for suspicious persons, but found none: he then returned, and examined the parlour door, but

no violence appeared. He looked at the desk—was not present when the contents were taken out—the lock was loose and two screws were gone—the bolt of the lock was shut—found a chisel amid some papers, as if placed regularly. Witness asked which way the thieves came in—She said at the front door. He enquired whether she saw any one. She answered, No; but that she heard a noise, and thought it was in the children's room; on which she went in among them. As he left the house, saw Lomas in the yard, observed a small spot of blood on his nose, and another on the waistband of his breeches; asked Lomas where his dirty shirt was. He said he had it on; witness told him it was impossible, for that which he had on was clean; he declared that it was the same he had worn all the week. He then corroborated the evidence of the former witness. Upon finding the blood upon Lomas's shirt, witness ordered Dooley, a constable, to seize him. He marked the shirt, waistcoat, and sheets, and gave them to William Hall, another constable, and could swear to them if produced in court.

William Dooley deposed, that he took Lomas into custody, and questioned him about the bloody shirt. He said he had worn it the week before, when he bled the calves and the mare. Witness told him, he had, by that assertion, convicted himself—he said, "I have." Witness saw him searched, when a razor sheath was found in his pocket. The razor was found in a pit, where the prisoner told witness he had thrown it; there was a little blood on the handle, and two or three hairs on the heel of it.

James Morrey said, he was brother to the deceased, was called up about two o'clock in the morning; Lomas was one who came to call him, who said that his master was murdered, and that one hundred and fifty pounds was stolen out of the desk in bills. When witness came to the house, he found Mrs. Morrey sitting by the fire-side, who told him she thought that robbers had followed him home, and murdered him. Lomas went and put a nail in the door, and shook it out again, to shew him how

they had got in. Mrs. Morrey told the witness she thought he had been bragging about his money, and that they had followed him home and murdered him ; witness next day examined the desk, and found two shillings, a check upon Nantwich Bank for one hundred and twenty pounds, and his watch.

John Bellis, jun. surgeon, saw the deceased ; and, examining his head, found several fractures, which he described ; thought the blows had been given by a heavy instrument, as an axe ; the wound in the throat he believed to be sufficient to have caused his death. On the Sunday following he was called upon to attend Mrs. Morrey ; he found her lying on the floor, with a large wound in her neck, produced by some sharp instrument : he sewed it up and dressed it. She told him that on Monday Lomas had said he was up three times the night before to murder her husband.

William Hall, constable of Hankelow, was on Sunday morning at the house of the deceased, saw Mrs. Morrey sitting by the fire. He told her that he was come to take her into custody ; he sat two or three yards from her ; in about three minutes she dropped from her seat, and her throat had been cut by a razor which laid by her side.

Elizabeth Brereton stated, that a gentleman had been there to enquire how many shirts Lomas wore each week ; she enquired of Mrs. Morrey while they were taking Lomas into custody ; when she replied, that she would swear, that he was no more guilty than her, and that he was asleep in his bed when the murder was committed.

The judge, in a most impressive manner, addressed the jury ; who, without retiring, gave a verdict of, " Guilty, against both the prisoners." He then passed upon them the awful sentence of the law. The counsel for the woman then made a plea of pregnancy, whereupon a jury of matrons was selected out of the females in court ; who returned for answer, that to the best of their opinion she was from three to five months pregnant. Lomas was

ordered for execution on the Monday following, and the sentence respecting the woman respited until after the time of her delivery.

This trial occupied the court from eight in the morning until two in the afternoon. The hall was crowded to suffocation, and the heat was extreme. Edith Morrey, the female prisoner, when first brought to the bar, had a veil over her face, but it was ordered to be taken off. She covered her face the whole of the trial with her handkerchief, and most of the time reclined her head on the front of the bar. Throughout the whole of the awful proceedings she preserved a sullen unmoved hardness. On her examination by the jury of matrons, she is said to have shed tears. She did not, from the time of her imprisonment, appear to have entertained apprehensions of being convicted, constantly protesting her innocence. The week before the trial she purchased some articles of wearing apparel, and spoke confidently on going home as on the Saturday. On the other hand, the man, Lomas, from the first of his being taken into custody to the time of his trial, openly and unreservedly confessed the crime in all its horrid circumstances.

The following conversation took place between John Lomas and Edith Morrey, on Sunday, the day before the execution of Lomas. John Lomas having expressed a desire to Mr. Hudson, to see Edith Morrey before he died, Mr. Hudson allowed them in his presence an interview about five o'clock in the afternoon. Lomas was called into Mr. Hudson's office a few minutes before Mrs. Morrey, and told that the wretched woman had confessed her guilt, to which Lomas replied, "It is better that she has confessed;" and Mr. Hudson observing that it was his wish, as he had spoken to Mr. Fish, the chaplain, upon the propriety of it, to let them receive the sacrament together, it appeared to give a degree of satisfaction to Lomas, who said, "I had rather she did receive the sacrament with me."

Mrs. Morrey was then brought into the office; and, seeing Lomas, exclaimed, "Oh dear!" sat down, and remained in silent affliction for some time, with her face



covered—Lomas, who was seated at some distance, endeavoured to comfort and soothe her, telling her to bear up, and to pray for mercy and forgiveness; their sins, he said, were very great, but God was good, and he hoped he would forgive them—he had repented, and he trusted through grace to find mercy. He said, “I must go now; you will have to stay a little longer; all our time is short, and if we repent of our sins we may meet in heaven.” He then asked his mistress whether she had ever said to any one, that he (Lomas) had got up to murder his master, at twelve, one, and half past one, the night before the murder, which she denied—saying, “It is not true; they have made that amongst them.” She complained of a woman, whom she alluded to, as concerned in the fabrication of such report, as one that was never sober. Lomas then prayed to God to forgive them, and to forgive him, for he had done a very wicked act, and he deserved to die for it. He could not wish to live. “If they had not found me guilty, they would not have done justice; it is only doing me justice to hang me. There is a God above, and I hope to see my master in the other world.” At this Mrs. Morrey said, “Pray God you may!” Lomas again admonished his mistress, as she had a longer time allowed her, to confess her sins and repent. To a question put by Mr. Hudson, Mrs. Morrey denied that she took the candle into the other room, and said, she would not let the servant girl go through the window—she repeated she did not hold the candle—Lomas said, “Mistress, do not say so, it will do you no good to deny it; when I told you Hannah was coming, you pinched the candle out.” Mrs. Morrey’s reply to this was, “My good lad, it was not so, there has been many false things said;” and she then proceeded to animadvert upon some parts of the evidence upon the trial, which were afterwards, by the explanation of Mr. Hudson, reconciled, and understood by the convicts to be correctly given. Mrs. Morrey admitted that she took the shirt out of the box, and threw it upon the bag of barley; and Lomas said he put the box upon the bed. When Mr. Hudson asked Mrs. Morrey how she could ever expect to be acquitted, she

declared it to be from a supposition that Lomas's confession could not be admitted evidence against her. Lomas observed that he was not likely to do otherwise than confess—but the confession did not come against them; there was enough, he said, without it. Mrs. Morrey then said, her husband had declared the night of the murder, that he should turn Lomas away that week, for he suspected that he got up in the night to get to the drink. This, Lomas said, was very unlikely, for he had said nothing to him, but appeared very well satisfied, and was joking and in good humour with him that very night. They never had, he said, many hasty words; any thing of that sort was soon over; they neither of them bore any malice; he liked his master; he was a very good master; but, added Lomas, "I wish he had turned me away that night." And Mrs. Morrey repeated, "I wish he had—but I hope your sins will be forgiven, and mine too—it was your own fault; you were always poking at me, and would not let me alone." This was retorted upon her by Lomas, who said, it was her that would never let him alone; and he reminded her of a particular instance on the very night of the murder, when she got out of bed, and came to him; and he wanted her to go to bed again, and not do it; and she would not, and he was all in a tremble. She replied, "I know I have been too bad as well as you."

Mr. Hudson asked whether she could have expected to live happily in case she had been acquitted; and she said, she should never have been happy—"I know I have done wrong, and I have sinned." She reminded Lomas of a time when he came back from the coal-pit, and wanted to have done the deed; and she refused, because he had been bad, and had not eaten any thing, and was weak. Mr. Hudson asked Lomas how he got the axe, that he struck his master with, and he said, his mistress gave it into his hand. The observation she made to this was, "My dear lad, was it not on the chair?" He said, "Why, mistress, you put it into my hand;" which she did not deny; and, being asked about the razor, he said, his mistress concealed it under her petticoats on her belly—that he took the axe, and, whilst his mistress held

the candle, he struck his master three times ; she then pinched the candle out, and they both ran into the house-place, where they heard him groan, upon which his mistress said, "John, he is alive : go and kill him." Mrs. Morrey replied to this, she only made the observation, "John, he is alive ;"—he then went and struck him with the axe two or three times, in the dark, and returned ; when she gave him the razor, they still heard him groaning ; Lomas persisted in it, before her, that she directed him to go and kill him—to go and cut his throat ! She continued to deny this part whilst he repeated it as true ; and he said he did go in consequence, and found his master raised in his bed, and attempting to get off backwards ; when, getting close up to him, his master appearing to know him, laid his head upon Lomas's breast, and caught hold of his shirt with his right hand ; Lomas said that he thrust his hand away, and got his master's head under his arm ; he then cut his throat twice, desperate cuts and deep, and then run and got into bed, and pretended to be asleep. The razor he put under a bag in his room ; but in the morning he took it, and, when he went to water the mare, he threw it into the pit near the house, and he saw it again, he said, on the trial, it being found there when the water was let off.

Mrs. Morrey was then solemnly questioned by Mr. Hudson, about the truth of Lomas's declarations, and whether it was not nearly the truth—and she said, "It is nearly the truth."—She said she was sixteen weeks gone with child, and entered into a calculation from the time of her being in prison.—Lomas asked her about the time of her miscarriage, and she gave him the exact time, stating, that it was the day she prepared to go to Knighton, an allusion, which he seemed to understand.—Mr. Hudson asked her how long she had been in bed with her husband before she got up to perpetrate the murder, but she could not particularly state. He questioned her as to whether her husband was sober, and she said he was sober enough.

Mr. Hudson then addressed them in the language of admonition, and prepared them for a final separation.

Lomas said, "I forgive her; but it seems she does not forgive me."—And she said, "I have forgiven every body, and every thing that has been done against me." Lomas said his half-brother had cursed her, (Mrs. Morrey,) but she said nothing. He said nothing cut him up so much as to see his poor father, what grief he was in—it was a hard case, he said, for him to bring children up to this end. "God help him, and God help my master's children; I hope they will take good ways." He then enquired as to what situations they were in, and was informed by his mistress. He said his own mother was a very wicked woman. Then addressing himself to his mistress, he piously called upon her to make her peace with God, and to read the Scriptures and pray. "Till I came," he said, "to this place, I knew nothing of Scripture. I have been made to read the Bible, and to pray; and I am better off. I like the New Testament; I have read it, and I know that Christ came down to die for us poor miserable sinners. Mistress, I wish well to you; I will leave you a good book of prayers, and hope you will read it." Mrs. Morrey said she freely forgave Lomas; and he said he forgave her—and finally said, "Fare you well, mistress."

On Monday, according to his sentence, this unfortunate man was executed at the east front of the new city gaol, Chester. He was conducted from the castle about noon; and, supported by the constables, walked to the boundary of the city, where he was received by the city sheriffs and placed in a cart. The unhappy youth fell upon his knees, in which posture he continued, passing along Castle-street, Bridge-street, and Water-gate-street, until he arrived at the new gaol. In less than half an hour he appeared on the drop, in the view of a larger concourse of spectators than ever was witnessed in Chester on a similar occasion.

He was attended by the Rev. Mr. Fish, chaplain to the county gaol, who, in the forenoon had administered to him the ordinance of the sacrament. The culprit still expressed a desire rather to die than live; and indeed

every part of his deportment evinced the sincerity of his contrition. He was dressed in a blue coat, light coloured waistcoat, and light corded breeches, and was very clean. He appeared particularly fervent in his devotions upon the scaffold, kneeling while the chaplain performed the solemn offices of prayer.

When the rope was placed around his neck, he addressed some words to the surrounding multitude, observing, that he had made his peace with God; and warned them to take example by his present awful situation. Just before the cap was drawn over his face, he saluted the executioner; and, when every necessary adjustment had taken place, he gave the signal by dropping his handkerchief. He struggled with death violently, being in youth, health, and strength; but expired in a few minutes.

On Saturday the 7th of February following, the other, and we may add, the more atrocious actor in this scene of blood—the wretched Edith Morrey—who had been respited upon the proof of her plea of pregnancy, as we have already stated, having within the walls of her prison brought forth a child, and the time of her parturition passed, was brought to the same scaffold whereon her servant Lomas had suffered. She was dressed in deep mourning—and it is some consolation while contemplating her horrid crime, to find that she died a penitent.

When placed upon the fatal platform, she advanced a step or two in front, and thus addressed a multitude of spectators.

“ My dear Christians, I hope you will take warning by my melancholy situation. My crime has been of a double nature. In the first place I have broken one of God’s commandments, by committing adultery, and defiling the marriage bed; and in the next I have committed a most inhuman murder by imbruing my hands in the blood of an affectionate and indulgent husband.”

Then, clasping her hands, she exclaimed, “ Lord unto thee I commit my spirit.”

After dropping the signal she had named for that pur-

pose, she was launched into eternity and her body given to the surgeons for dissection.

To this sad account we have to add, that she has left five unfortunate children, including that born in prison; the reputed offspring of the husband whom she murdered!

## LIEUTENANT GAMAGE,

(LATE OF THE GRIFFON SLOOP OF WAR,)

*Hanged at the Yard-arm of that Ship, in November 1812, for the Murder of a Serjeant of Marines.*

THIS unfortunate young officer fell a victim to ungovernable passions. He had ordered a serjeant of marines upon some duty, which the serjeant conceiving incompatible with his situation, refused performing; and was, withal, insolent in his replies. The lieutenant burst into a violent passion, ran to his cabin, seized his dirk; returned and stabbed the serjeant to the heart. For this crime he was tried by a court martial, and sentenced to death.

The execution took place on board the Griffon. He bore his fate with manly fortitude. About eight o'clock he was attended by the clergyman, and remained with him till about half-past nine, when the procession began from his cabin to the platform, from whence he was to be launched into eternity. The clergyman walked first; then lieutenant Gamage, attended on each side by two friends, officers; several officers followed afterwards; every one present was deeply affected at the unfortunate fate of this young gentleman, the ship's company particularly. Boats from the different ships attended, as usual, round the execution, and the same sympathy and pity was observable in each—"God receive his soul," frequently burst forth from the seamen. He bowed and

thanked them three times, and seemed deeply affected with the sympathy he excited. He spoke shortly to his own crew, warning them to beware of giving way to sudden passion. As soon as he reached the platform, he prayed again with the clergyman, and precisely at ten o'clock, the signal gun being fired, he was run up to the yard-arm, amidst the repeated exclamations from the seamen of "God bless and receive him!" He appeared to suffer but little.

Previous to the execution, the following circular address was sent by admiral Foley to every ship in his fleet:—

"THE commander-in-chief most earnestly desires to direct the particular attention of the fleet to the melancholy scene they are now called to attend—a scene which offers a strong, and much he hopes, an impressive lesson to every person in it—a lesson to all who are to command, to all who are to obey.—Lieutenant Gamage is represented by every person who knew him, and by the unanimous voice of the Griffon ship's company, as a humane compassionate man—a kind indulgent officer; yet for want of that guard which every man should keep over his passions, this kind, humane, compassionate man, commits the dreadful crime of murder!

"Let his example strike deep into the minds of all who witness his unhappy end; and whatever their general disposition may be, let them learn from him, that if they are not always watchful to restrain their passions within their proper bounds, one moment of intemperate anger may destroy the hopes of a well spent, honourable life, and bring them to an untimely and disgraceful death. And let those who are to obey learn from the conduct of the serjeant, the fatal effects which may result from contempt and insolent conduct towards their superiors.—By repeated insolence the serjeant overcame the kind and gentle disposition of lieutenant Gamage; and, by irritating and inflaming his passion, occasioned his own death.

“The commander-in-chief hopes that this afflicting lesson may not be offered in vain; but, seriously contemplating the awful example before them, every officer and every man will learn from it, never to suffer himself to be driven by ill-governed passion to treat with cruelty or violence those over whom he is to command, nor by disobedience or disrespect to rouse the passions of those whom it is his duty to obey and respect.

(Signed)

“THOMAS FOLEY.

“To the respective Captains and Commanders of His Majesty’s ships and vessels in the Downs.”

The body was brought on shore for interment at two o’clock, and was received at landing by Perrin Dower, Esq. governor of the Naval Hospital, who, with a number of naval and military officers, attended this unfortunate young gentleman’s remains to the burial ground at the Naval Hospital, where they were deposited. General Trollope, and the officers of the Griffon, with several of the crew, were present, and bore ample testimony, by their appearance, to the regret they felt at his untimely fate.

## WILLIAM BROWN,

*Executed the 10th of August, 1812, in Kent, for a most singular Murder of a Child.*

WILLIAM BROWN, a private soldier in the royal artillery, was indicted for the wilful murder of Isabella MacGuire, a child of the age of seven years. The circumstances of this case were of an extraordinary nature. The prisoner was a servant to lieutenant Webber, and bore a most exemplary good character in the regiment; some things, however, had been stolen from his master’s closet, and he was suspected of the theft. He absented himself all the night of the 4th April, and on the morning of the 5th, as early as between five and six, he came back to the barracks, and wakened a person of the name of



Jeffecot, with whom he had lived. After some preliminary conversation, he told him he had committed a crime for which he must be hanged, and desired to be taken to the guard-house.

Adam Little, serjeant-major there, received him into custody : he desired to speak to the serjeant in private, and then told him that he had murdered a little girl the last night. The serjeant desired him to state further particulars. He said, that getting over a stile, which led into a lane, he saw the child at play, who cried when she saw him ; that he then took the child in his arms, and with his finger and thumb strangled it. As soon as it was dead, he carried it under his arm for some distance, and laid it on some stone steps in a place he described.

A witness was called, who found the child in the place where the prisoner described he had left it ; and the surgeon stated, that, by the marks under the throat, the child had evidently been strangled in the manner described by the prisoner.

The prisoner could ascribe no motive for this act.

The counsel for the prisoner examined as to whether the prisoner might not be labouring under a temporary derangement in the brain, from the improper use of mercurial medicine.

The serjeant said, he knew the prisoner had administered mercury and laudanum to himself without medical advice, but he did not know in what quantities.

The lord chief baron, in summing up the evidence, stated, that the mere atrocity of the act itself must not be considered evidence of insanity, otherwise the most guilty criminals would escape ; and here was evidence much too slight to infer any derangement of mind.

The jury found the prisoner Guilty, and he was executed the Monday following.

*Extraordinary Footpad Robbery and Suicide.*

ON the 29th of October, 1812, a foot-pad robbery took place about one o'clock in the day, attended with very extraordinary circumstances. Mr. Robert Thorley, on his way from town to his residence at Petersham, sent his servant forward from Wandsworth with a message to his family; and, instead of himself proceeding home through Richmond park, as was his custom, he went by the private road, which turns off to Richmond, a little beyond the seven mile-stone on the Wandsworth road. When Mr. Thorley had passed the first gate a short way, he perceived a female, attired like a Quaker, and a man following her at a short distance, on the side path, which is parallel with the horse-road. The man appeared to be a carpenter or mechanic, with an apron folded round him. As soon as Mr. Thorley came opposite to him, he sprang suddenly from the foot-path into the road, which, causing Mr. T's horse to startle, he involuntarily struck him across the breast with a rattan stick; and, supposing the man to be intoxicated, he enquired what he was about. The robber on this took out a pistol from his left side, which Mr. T. observed was loaded up to the muzzle, and presenting it, said, "I must have your money." Mr. T. replied, "You can have but little;" and gave him all the silver he had, consisting of a Bank-token or two, and a few shillings. The man observed, "If you will do me no injury, I shall not hurt you;" and then retired, saying, "Real distress has compelled me to this act."—This observation disarmed Mr. T. of all resentment against the unfortunate wretch, and he was only solicitous to render him service. He told him it was a shocking alternative he had chosen; and inquired if he did not know, that by the act he had just committed he had forfeited his life. The foot-pad walked on, and would hear no more. Mr. T. was still anxious to learn the man's situation, and continued stationary and looking after him: but the foot-pad mistaking his object, turned back, and followed him hastily with a presented pistol. Mr. T. did not, however, lose sight of him, retiring to

no greater distance than was necessary to avoid the danger of the shot. At this instant a person on horseback passed close to the robber, when Mr. T. called out, "A highway-man!" The footpad immediately shewed his pistol, and desired the gentleman to go on, who proved to be a Mr. Smith, of the City. Mr. Thorley and Mr. Smith conferred together as to the best mode of apprehending the man, when Mr. Reeve, a magistrate, arrived on the spot. By this time the foot-pad had got over the hedge into an adjoining field; and a servant of Mr. Nettleship's having joined the party, means were immediately employed to take him.—Mr. Smith rode to Wandsworth for a constable, whilst the other persons stationed themselves in such directions as to prevent all possibility of an escape. At this moment a pistol was heard from the opposite side of the hedge to that on which Mr. Reeve was: and that gentleman conceived at first that he had been fired at by the robber; but on farther investigation it was found that the wretched foot-pad had discharged the contents of the pistol into his own head. He was found without one of his shoes, lying on his back, and quite dead. The body was taken to the George inn, at Wandsworth, where a coroner's inquest was held upon it, before —— Jemmet, Esq. coroner for the county.—Verdict—*Felo-de-se*.

## GRAVE ROBBERS,

(COMMONLY CALLED RESURRECTION-MEN.)

THE resurrection-men of London, like other combinations of workmen, struck for higher wages the other day, and refused to supply the Edinburgh and Glasgow schools of surgery with dead bodies, under an advance of two guineas for each subject. These sacrilegious ruffians assigned as reasons for such demand the increased difficulties and dangers attendant upon the robbery of a churchyard, even in alliance with the *searion* of the parish, and the great scarcity of *sound* subjects after they have

*resurrectioned* them, from the more corrupt manner in which men now *die*, as well as live.

A numerous gang of these grave robbers was not long ago apprehended at Deptford near London; and one circumstance will, perhaps, give the reader some idea of the habits of these singular thieves: having been at their usual pot-of-beer club, the men on duty for that night were rather late in going to work; so that before they had got their regular load, day-light broke in upon them, and the bustle of persons passing and repassing by the church-yard compelled them, from fear of detection, to hide themselves in the very tombs where they had, during the preceding night, been disturbing the peaceful ashes of the dead.

Thomas Light, alias John Jones, alias Thomas Knight, who was lately indicted at the Middlesex sessions, for stealing dead bodies for dissection, but did not appear for trial, in consequence of which a bench warrant was lately issued against him, was, on the 13th October, 1812, with his accomplice, one of his bail, named Patrick Harnell, charged by Watts, a horse-patrole, in having been the night before found in the act of stealing three dead bodies from St. Pancras or St. Giles's burying-ground, which are separated by a wall only, by the horse patrole of the Hampstead and Highgate district.

Light attempted to escape, but was secured; and, from the frequency of such offences, strong indignation was excited. It was not clear from which burying ground the bodies were stolen; and, therefore, the magistrate ordered notice to be served on St. Giles's parish officers, to attend the final examination, on a future day, and remanded the prisoners.

One of the dead bodies was that of a female, apparently of eighteen years of age—a second, a boy of about twelve—and the third, a new born infant. The sack into which they were all crammed was taken to the Elephant and Castle public-house at Pancras, in the hope of their being owned and re-interred. It appeared on a second examination that the dead bodies had been paupers who had

died in the poor-house of St. Giles's, and had been buried in the burial ground belonging to the said parish ; and from whence they had been taken. The prisoners denied having any knowledge of the transaction, farther than seeing two men with the sacks, who made their escape.

Light was at length brought to trial at the quarter sessions, in October, 1812, for this most unnatural kind of theft. Besides the suspicion upon him in the affair at Pancras, above-mentioned, it was proved, that one evening he was stopped in Great James-street, Bedford-square, on his road to an eminent surgeon's, with the dead body of a man ; but the proof failed of his having stolen it out of a church-yard ; and, though not a shadow of a doubt remained of his guilt, he for a while escaped the punishment of his crime.

### CHARLES FREDERICK PALM, and SAMUEL TILLING,

*Hanged at Execution Dock, on the River Thames, near London, on the 21st of December, 1812, for Mutiny and Murder.*

THESE sanguinary men were tried at the sessions of the High Court of Admiralty at the Old Bailey, on Friday, the 18th of December, 1812, for having murdered James Keith, the master of a trading vessel, called, "The Adventure," on the high seas within the jurisdiction of the admiralty of England.

From the evidence adduced on the trial, it appeared that the deceased, James Keith, was master and sole owner of the vessel in question ; and, that having embarked the whole of his property therein, to the extent of nearly two thousand pounds, he resolved to make a voyage to the south seas upon a fishing concern ; and for that purpose engaged a crew, which, with himself and three boys, amounted altogether to fourteen persons.

Palm was a Swede, an experienced seaman, by his commander appointed to the post of second mate.

The Adventure sailed from Portsmouth in the month of November, 1811, and for a part of the time had a prosperous voyage; but one of the crew becoming sickly, and eventually dying, the captain put into the island of St. Thomas's, and took on board two black men, who were named Joe and John. He then steered towards Congar, upon the coast of Africa, intending thus to make his voyage to the south seas; but, whilst an hundred leagues off that place, the crew began to shew strong symptoms of mutiny; and, in April, the dreadful circumstance took place, which became the subject of these indictments.

Henry Madis stated, about four o'clock in the morning, (he could not recollect the day), a boy named George was at the helm; and, the weather being sultry, the scuttle was taken off, and the window of the sky-light to the cabin open, he called to the captain, saying there was something bad going on upon deck. The unfortunate Keith, who had already in vain attempted to conciliate his crew, instantly arose from his bed, and, without putting on his clothes, hurried to the deck of the ship. He there saw Palm, the second mate, in the act of striking a light.

The captain said to him, "Charles, what are you about?" Palm made no answer, but struck him with the cooper's hammer, which he had ready in his hand. The captain said, "Oh, Charles, you have done me!" in the mean time, another man, since dead, attacked the chief-mate, who had come on deck immediately after the captain, and struck him repeatedly on the head, with the cook's axe. Palm, and two other Swedes, took the active part in throwing the captain and chief-mate overboard; the chief-mate called out, "Boat, boat!" after he was in the water; but they heard no more either from him or the captain.

After this, all hands went below, except the boy at the helm. Palm produced a Bible, and they all took an oath upon it, wishing they might *never see the light of heaven if they divulged what had passed.*

The boy left at the helm was afterwards sworn ; and, after the bodies of the captain and chief-mate had been thrown overboard, the two Swedes provided themselves each with a pistol and a glass of rum ; the rum they offered to the blacks ; and, whilst in the act of drinking it, each shot his man ; one of the unfortunate blacks was shot dead, the other was only wounded, but both were immediately thrown overboard by Palm and the two Swedes. The wounded man swam and caught hold of the rudder ; but Palm took a spade, and threatened to cut his hands off, upon which he let go, and they saw no more of him.

After this they plundered the captain's property, and Palm had a five pound note out of it. Palm then took charge of the vessel ; but it was afterwards determined to scuttle the ship, and take to the boats, and steer for the coast of Guinea.

Two boats were prepared, and provisions put into them ; the crew, amounting to eleven in number, got six into one boat, and five in the other ; Palm and the deponent were in separate boats ; they were three days and three nights before they reached land, and then one of the boats was swamped, and a boy was drowned ; they then walked along the beach till night, when they lay down on the sand to sleep, and next day went into the country, till they saw some smoke arising among the trees ; they went up to it. The moment, however, they were discovered, the black natives rushed upon them ; and, with remorseless fury, seized them, plundered, stripped them naked, and led them off through the country to be sold as white slaves.

In this deplorable state they remained several weeks, traversing a vast extent of country, during which all of them died through disease, cruelty of the negroes, or fatigue, except Palm, Tilling, William Wright, not yet apprehended, and Henry Madis, the witness. The survivors were marched, or rather driven, to Cape Lopez, a southern promontory of Africa, where the black chief released them, supposing they were shipwrecked mariners, and, after a short time, a Portuguese vessel touching there,

Palm and Wright took their voyage to Europe in her, and in a few days, a Liverpool ship also touching there, Tilling and Madis got a passage in her, and they were landed at Liverpool in September.

Tilling, appearing an object of charity, was admitted a patient in the hospital; and Mr. Capper, the first-mate of the ship which brought them back to their native country, humanely took the boy, Madis, to his own home. In about a week after their arrival, when Madis went to see Tilling at the hospital, he was greatly surprised to see Palm at the same place, having, on the morning of that same day, been taken in as a patient from the ship that brought him over.

The day on which young Madis landed in Liverpool he wrote the outlines of the above sad story to his mother in London; and urged her to send him money to defray travelling charges that he might lay the whole before a London magistrate.

Such was the evidence against the prisoners. The impulse which appeared principally to occupy the mind of Palm, was that of criminating his fellow prisoner, who he laboured to make appear to have acted an equal part in the bloody scene with himself; which by no means came out in evidence; on the contrary the work of death seemed to have been done by Palm and his brother Swedes, of which country the greater part of the crew were composed.

Witnesses were called to the character of Tilling, among whom was his sister; who all spoke highly of his former conduct in life. This might have had some weight in his behalf; indeed nothing vindictive was proved against him, and those who were charitably inclined believed that he took the oath, after the murderous deeds were done, as indeed any one would, to retain the blessing of life. Madis was taken under the protection of the lords of the admiralty, for his discovery; but, Tilling, for concealment, came to an ignominious end. And thus the vengeance of a just God pursues the murderer till he falls into the hands of justice, either by making his conscience a continual torment, or by disappointing his views in



committing the crime, for these wretched outcasts were not permitted even to land their ill-acquired booty—their boats were swamped, and their cargoes lost—one of them was drowned—and the remainder scrambled upon a shore inhabited by men as inhuman as themselves; who stripped them and drove them through burning sands, in search of a slave market. Under such accumulated sufferings few Europeans could survive. Yet, the principal agent in the bloody business, with two more, as if reserved for punishment, were suffered to return home!

Palm appeared to be about fifty years of age; but the hardships he had undergone among the negroes in Africa might have had a premature effect upon his appearance. Tilling bore the marks of youth, not more than twenty-five years. They were placed in the cart which led them to Execution Dock, without betraying those emotions natural to men in their unfortunate situation. Palm, soon as seated, put a quid of tobacco into his mouth, and offered another to his wretched companion, who refused it with indignation.

A temporary stage and gallows were erected at this place of execution for pirates, and a vast concourse of people were collected to witness their expiation of their horrid crime. Some indications of pity were offered for the fate of Tilling; Palm met with nothing but execrations.

THE MOST NOBLE

THE MARQUIS OF SLIGO,

*Convicted of enticing British Seamen to desert, fined 5000*l.* and imprisoned four months in Newgate.*

OLD BAILEY, *Dec.* 16, 1812.

At nine o'clock sir William Scott attended, and charged the grand jury. The court then adjourned till ten

o'clock, at which hour sir William Scott returned, accompanied by lord Ellenborough, Mr. Baron Thompson, and several doctors of law. The duke of Clarence was on the bench. The jury were then sworn to try the marquis of Sligo, who appeared in court, and sat by his counsel, Messrs. Dauncey, Dampier, and Scarlett.

Before the trial began, Mr. Dauncey stated, that his lordship wished to plead guilty as to part, and not guilty as to the rest; and wished, therefore, only one part now to be entered into.

Dr. Robinson, on the other side, was not unwilling to accede to this arrangement; but lord Ellenborough said, that the indictment must not be garbled. He must plead guilty to the whole, or not guilty to the whole.

After some conversation between the counsel, the trial proceeded; the indictment was read, charging the Marquis with unlawfully receiving on board his ship William Elden, a seaman in the King's service, and detaining, concealing, and secreting him.

The second count charged him with enticing, and persuading to desert, the said seaman.

The third count, with receiving the said Elden knowing him to have deserted.

There were other counts with respect to other seamen, and a count for an assault and false imprisonment.

Doctor Robinson (the advocate-general) stated the case—which will appear best from the evidence.

Captain Spranger (examined by the attorney-general) stated, that in April, 1810, the Marquis was introduced to him by letter from admiral Martin: his lordship appeared desirous of making a tour, and for that purpose hired a vessel called the Pylades; the witness gave him all the assistance in his power, by sending to him riggers, and carpenters, and gunners, who were lent to him for the purpose of out-fitting his vessel, but still remained part of his (captain Spranger's) crew. In the course of these transactions, his lordship passed and re-passed in a boat called the gig, which was rowed by four men, Charles Lee, Robert Lloyd, James Foljambe, and John Walker: they had belonged to the boat for

three years, and were constantly in it. The defendant observed that they were fine clever-looking men. Afterwards, about a week before he sailed, he missed two of these men, which the more surprised him, as they were very trusty seamen, had never been absent or irregular, and, though frequently suffered to go on shore without a midshipman, had never in any instance abused this confidence. They had, besides, wages of three years due to them.—On the 13th, before he sailed, he went on board the *Pylades*, to see lord Sligo, and told him of the extraordinary circumstance of his missing these two men, whom his lordship probably recollected. He was then going to communicate to his lordship some suspicions which his officers had suggested to him, when lord Sligo interrupted him, saying, “ Surely he (captain Spranger) could not think him so base as to take away these men, after the civilities by him shewn to his lordship.” He further said, that some of the men whom captain S. had lent to him had offered to desert, but that he refused to accept them. He then replied to lord Sligo, that he trusted he had not his men, and that he would not take them or any others from his Majesty’s service; but lest they should come to him, he (captain S.) would leave a description of their persons, and take his lordship’s word of honour that he would not receive them, but give them up to the commanding officer at Malta, who had orders to keep them till his return. He then left his lordship, having received his promise and word of honour, and having remarked to his lordship how serious a thing it was to entice his Majesty’s seamen. The fleet was at that time nearly 2000 below its complement, and it was very difficult to procure British seamen. He did not muster his lordship’s crew: they seemed to be foreigners, in number about twenty or thirty. His lordship had proposed to take fifty men, as his vessel was to be a letter of marque: a few would have been sufficient for the purposes of navigation.—As soon as he reached the ship, he ordered the description of the two men to be made out, and it was sent to lord Sligo; he received no answer then, though he afterwards had a letter from his

lordship. (The letter was produced.) He had never seen Lee or Lloyd since. (The letter was here read, in which lord Sligo stated, that in the course of his voyage he found that he had on board some men-of-war's men, and that he was determined to send them on shore the first opportunity; whatever expenses he might incur on their account, he should put down to the score of humanity, and glory in it; that he thought this explanation necessary to captain Spranger, who had treated him like a gentleman; but the other captain, who complained, he should not notice; if the business was brought into court he should do the best to defend himself; and if he did not succeed, he had an ample fortune, and could pay the fines.) This letter was dated Constantinople.

William Elden, a seaman, who was in the navy nearly thirteen years, and at the time mentioned was on board the *Monmouth*, off Malta, and had a ticket on leave to go a-shore there on the 13th of that month, in the morning, he and another seaman belonging to the *Montague*, four of them in all, were about going back to their ship, when they were accosted by two men in livery, and another, who was dressed in a white jacket. The men in livery were servants of the marquis of Sligo, and the other was the second mate of his lordship's vessel. They gave him drink, and so intoxicated him, that he knew not how he got on board the *Pylades*, where he found himself placed in the pump well, abaft the main-mast, when he recovered his senses; and there he also saw two more of his shipmates, and a stranger, who was in a sailor's dress. Witness then came on deck, where he saw Mac-Dermot, Thompson, Cook, Fisher, and Brown, on the deck; and he also saw lord Sligo on board that evening on deck, who asked him his name, when witness told his name, and that he belonged to the *Montague*. They were then two miles from shore. Next morning he again saw lord Sligo, being then perfectly sober, when he was walking the deck with a shipmate of the *Montague*, of which they were talking. Lord Sligo again

asked their names, and they answered that they were Elden and Story, and that those were the names by which they went on board that ship; but Story told his Lordship, that being men-of-war's men, it would not do to go by our own names, and lord Sligo immediately said, "Come to me, and I will alter them." They went on the quarter-deck, and defendant gave the name of William Smith to the witness. A few days afterwards his Lordship told him, that he would be useful in exercising the guns, to which he replied, That he saw none there who did not know the use of the guns as well as himself: he then saw nine men of the Montague there, Cook, Fisher, Brown, Story, Sullivan, Thompson, M'Dermot, and Travers. Lord Sligo took an active part in the management of the vessel, and assigned to them all their duties. At Palermo, he asked lord Sligo for leave to go on shore to get clothes; his lordship gave him five four-dollar pieces for wages; he went on shore and returned, not surrendering himself to any King's ship. At Messina he begged leave to quit the Pylades, and offered to return all the money and clothes he had received: his lordship would not suffer him, and foreign sentinels were placed in arms over them to prevent any from escaping. Lord Sligo at Palermo told the crew, that he had procured a protection from admiral Martin, having pledged his honour that he had no men-of-war's men on board. They were afterwards chased by the Active frigate and a brig, were brought to, and a King's boat came alongside. Lord Sligo then desired the witness to go below, who said, he would rather stay where he was; the rest were then below: lord Sligo left him for a few minutes; but returned and told him, he must go down; he then went down into the after-hold underneath the cabin, where were the rest of the seamen of the Warrior and the Montague: the hatch was closed over them, and a ladder placed at top. In about half an hour they were called up. They then proceeded to Patmos, where he and some more had leave of absence for a few days; and took a letter to his lordship from his master, Llewelin. The next

day he sailed without giving them any notice, and left him and six more in great distress; they were forced to sell their clothing; they had nothing but what they stood upright in: they got a boat, but could not overtake the Pylades: they then went to Scio, and went with the British consul to the Pylades; but lord Sligo refused to take them in, and threatened to fire at them: he knew them very well, as they were all upon deck: he took four of them on board, the carpenter, the surgeon, the man of the Warrior (Lee), and the sail-maker. The witness had been since tried, and sentenced to receive 200 lashes; but his punishment had been remitted.

Fisher, Sullivan, Brown, all belonging to the Montague, corroborated Elden's statement. Captain Hayes deposed to his having searched the Pylades, when the Marquis declared, upon his word, no men were concealed on board.

Mr. Dauncey then addressed the jury on behalf of the defendant. He did not, however, stand forward to defend the whole of the conduct of his noble client, who, though prepared to prove that he had not seduced these men from the King's service, yet was ready to acknowledge, that they had remained with him, and he had not given them up when he had reason to suppose that they were deserters. At the time when all this happened lord Sligo was a very young man, hardly come of age, and had hired a brig while at Malta, in the summer of 1810, for the purpose of making a voyage through the Mediterranean, and visiting the Greek islands, so famous in ancient history. The learned gentleman then stated that the noble Marquis was newly come from the seats of learning and education, which was the laudable object of which he was in eager pursuit, and endeavoured to shew the improbability of his being actuated by any motives of disloyalty, and concluded his speech by admitting, on the part of his client, that he had offended against the letter of the law: he was only anxious to be liberated from the charge of deliberate seduction: and so far at least, he trusted, the jury would deliver a verdict in his favour.

The learned counsel then called several witnesses; the first was James Needing, a servant of the Marquis. His evidence, and that of the others, went to exculpate his lordship from any knowledge of the transaction.

The evidence for the defence being closed,

Lord Ellenborough recapitulated the whole of the evidence to the jury, and made many comments on the pledge which the Marquis had given of his honour to the admiral, that there was no men-of-war's men on board, when, on the faith of that pledge, the admiral granted him protection for a crew of forty men.

After a short consultation in the box, the jury found his lordship Guilty of all the counts in the indictment, except one for false imprisonment.

The judge (sir William Scott) then ordered, that his lordship, who was in court, should enter into recognizance to appear to-morrow to receive judgment.

The trial lasted till near two o'clock in the morning.

The Marquis of Sligo on Thursday appeared in court to receive sentence: an affidavit was put in, which purported that he knew nothing of the circumstance of his having men-of-war's men on board till the time of the search:—

Lord Ellenborough interrupted it by observing, that the affidavit must not impeach the evidence.

Mr. Scarlett said, that was not its object.

The affidavit was then continued, stating, that as soon as he found he had two of the Warrior's men, he was anxious to dismiss them: it then expressed contrition for his folly and rashness, and a hope that the letter which was written to captain Sprainger (which was never intended for the public) would not be thought to convey any disrespect for the laws of his country, which he was ready and anxious to uphold.

• Sir Wm. Scott then, after an impressive speech, passed the sentence of the court upon his lordship, which was—that his lordship should pay to the King a fine of 5000*l.* and be imprisoned four months in Newgate.

His lordship bowed, and was conducted by the keepers through the private door to the gaol.

JOHN SIMMONS WINTER, BENJAMIN  
ALLEN, and WILLIAM TAYLOR,

*Executed at the Old Bailey for feloniously Stealing Silk and Feathers of great value, from a vessel on the River Thames: John Ivey, Transported for Aiding in the Felony, with Robert Cooper for Receiving part of such Property, knowing it to have been Stolen.*

FEW trials have more engaged the mercantile part of the metropolis than that which we have now to report. It has long been known that numerous thieves infest the river Thames. Many vessels have been plundered; and the stolen property so well secured, as to elude the search of the police officers, a circumstance which plainly indicated that some above the common level of thieves were concerned in such nefarious practices.

On Friday, the 30th of October, 1812, Joseph Simmons Winter, B. Allen, and W. Taylor, were capitally indicted for stealing ten bales of raw Valencia silk, and two cases and two trunks of ostrich feathers, the property of B. Hotchon, to the value of upwards of 2000*l.* from on board the Sisters hoy, in the river Thames; J. Ivey and J. Knox were also capitally indicted for aiding and assisting in the commission of the felony; and R. Cooper and G. Harris, for receiving part of the same property.

Mr. Milner, merchant, and Mr. Israel, broker, proved that certain quantities of Valencia silk, sent to them by the Velocity brig, on consignment, had never reached them.

J. Bampton, the master of the Sisters hoy, said, that in June last, he gave information to J. S. Winter, and to Armstrong, Brown, and Fenwick, not in custody, that he was to bring up ten bales of silk, and four cases of feathers, from the Velocity, lying in Stangate creek. It was agreed among them, that Winter, who commanded the Brothers sailing-barge, should follow down the Sisters hoy. On her return with her cargo, the Brothers was to follow; and, if the wind was foul, the Sisters was to come



to an anchor off Dagenham, where Cooper, and one Ingram, were to be in waiting to receive the goods. If the wind was fair, Bampton was to run his hoy a-ground, off that place. So far the scheme was carried into execution; but in coming up the river, Bampton, having a fair wind, and considering it to be a very dangerous enterprize, sent Knox, his mate, to Winter's barge, to tell them, that he could not run his hoy on shore without exciting suspicion of one of the officers on board her, who, having been an old fisherman, knew the river as well as himself; but they might do it at the Custom-house, as he would come to an anchor in the road. Knox brought back word, that he must drop anchor below the Pool, and they would do it. He, however, ran her up to the Custom-house road, and there moored her. On the Sunday (the day following) Winter called on him, and asked him if he did not think it possible to haul the hoy along-side of his barge in the night; but witness expressed his dissent from that, as there were two Custom-house officers on board. On Tuesday night (that of the robbery) witness went to his club.

J. H. Mason, the owner of the Brothers, proved that J. S. Winter, commanded that barge for him, and had half the freight for it.

Mrs. Bampton remembered Winter calling on her husband the Sunday after his last return from Stangate creek.

G. Brown, a waterman, in June last, agreed with one Armstrong and Winter, to go down to Stangate creek, and take some silk out of a hoy. It was agreed that one Caddick, the witness, and Taylor, should board the hoy, cast off her moorings; and then Winter, Armstrong, and Ben Allen, were to go round in a boat, and tow her along-side Winter's barge. If the officers said any thing, Caddick was to personate Bampton. The scheme, he said, was put in execution, the officers were fastened down, the hatches broke open, and the property removed into the Brothers. While they were removing the bales from the barge to the cart, there was a watchman on the pier, whom they gave money to, in order that he should say nothing about it. After the property was thus conveyed

away, Ivey said he would have nothing to do with it; it was a dangerous concern; but he could sell it if the affair was blown over. Witness then suggested that Fenwick should take a sample of the silk to Cooper. This Fenwick agreed to.

The learned judge here adjourned the court till nine o'clock on Saturday, the trial having at that time lasted from ten in the morning till eleven o'clock at night.

On the 31st of October, Brown, the last witness on the preceding evening, was again called in, and continued his evidence. Fenwick, he said, went with the silk to Cooper, and witness and the rest waited his return. Soon after Cooper came, and agreed to take it. The price agreed on was 20s. per lb. Cooper asked if they wanted any money, and gave witness 3*l*. Next morning, as he and Winter were going home, they were apprehended.

G. Seares, a lighterman, met Brown, whom he had known for years, at the Harp, in Harp-lane, on the Saturday before the Sisters hoy was robbed. Brown said he could put witness into a good thing; for Hotchon's hoy, the Sisters, was lying at Brewer's Quay, laden with bales of silk and ostrich feathers; and he said, "George, you may as well have a hundred pounds or two as not." He farther stated, that it was better than all their chandler-shop-work. Witness said it was a hazardous concern, and would have nothing to do with it; Joseph Winter was present at this time. Brown wanted him to go to the hoy for Bampton; but he would not go, and said he would not be seen in any such thing. Winter afterwards said he would think no more of shooting Bampton than he would a sparrow, because he had deceived him, and made him spend all his money, without getting any thing for his trouble. Bampton, he said, might have ran his vessel ashore at Old Haven, or on the Bligh Sand, and there would have been no suspicion of him, as he would have been fastened down as well as the officers. After the robbery, witness gave information of these circumstances to his employer, Mr. Lucas.

Mr. Lucas corroborated the latter part of last witness's

testimony, and also that he had given information to Mr. Hotchon.

R. Fenwick, a ship-chandler, at Greenwich, deposed, that Brown promised him to go down the river to get some silk, and he agreed to go. In the rest of his evidence he merely stated the same facts as have been already detailed in the evidence of Bampton and Brown.

R. Brown, the brother of Brown, the accomplice, corroborated part of his brother's testimony.

Rebecca Fenwick, the wife of the witness of that name, deposed, that her husband went down to Chadwell, in Essex, with Ingram, to be out of the way.

Jones, a watchman at Baker's dock, deposed, that he saw goods landed from a barge there, and taken away in a cart. Witness got three three-shilling pieces from Brown at the Police-office, and 15*s.* from the landlady of the Orange Tree, near Baker's Dock, which she deposed she received from Winter, and also 15*s.* to be given to another person, named Sween, to hold his tongue.

— Spriggs, a carman, proved that he carried some packages to Mr. Gibbs, in the Curtain-road. He could not tell who employed him; but a man like Cooper walked before the cart.

A constable searched Norman's stable in Gravel-lane, in the Borough, and found a quantity of silk and some ostrich feathers, which, by the mark on the box, were proved to have been part of that stolen from the Sister's hoy.

J. Gibbs, a silk-manufacturer, deposed, that Cooper sold him some silk, about two cwt. at 23*s.* per lb. It was brought in a small cart, and Spriggs was the carman. Some more silk was sent to him by Cooper, and it was brought by a woman at different times. Witness sold the silk to Mr. Green, of No. 1, Worship-square, at 26*s.* 6*d.* per lb.

J. Green, of Worship-square, ribbon-manufacturer, proved that Gibbs sold him 632 lb. of raw silk, which he sent to Mr. Percival, a silk-thrower, at Bruton, in Somersetshire, to be thrown. The silk found in Norman's stable was shewn to him, and he considered it to be of the same quality with that which Gibbs sold him.

Mr. Bonsfield, a silk-broker, proved that the silk shewn to him by Mr. Green was Valentia raw silk.

Mr. Percival proved that he received a quantity of Valentia raw silk, sent by Mr. J. Green, at his silk mills, at Bruton, in Somersetshire. When shewn the silk found in Norman's stable, he said that, from the length of reel, and the quality, he believed it to be the same with that sent him by Mr. Green.

The learned judge was hesitating whether to go on a little farther, when Mr. Newinan informed his lordship that Taylor, one of the prisoners, was so ill, that they could not keep him up any longer. His lordship directed the jury to be kept together until the next sitting, and that the court should meet on Monday, at nine o'clock.

On Monday the 2d of November, the trial was accordingly resumed, and a number of witnesses were examined on the part of the prosecution. The evidence against the prisoners being closed, the prisoners were called upon for their defence.

Mr. Alley, in behalf of Knox, submitted that he could neither be considered a principal nor accessory, since the project to which he consented was not executed, and therefore, that the law would not presume his assent to the last.

Mr. Pooley, for Ivey, submitted, that there was no evidence to affect him as an accessory before the fact.

Baron Thompson over-ruled the objection.

Winter then handed in a paper, in which he positively declared his innocence, and begged for mercy.

Allen also handed in a paper, making a similar assertion, and accusing Brown, the accomplice, of perjury.

Taylor repeated the assertion, that he had not the least concern in the robbery.

John Ivey maintained that he was innocent, and stated that he had a wife and five children dependent upon him.

Knox, before God, declared he was guiltless.

Cooper admitted that he bought 10 cwt. of silk, but he thought it was smuggled.

George Harris insisted that he disposed of the silk merely as smuggled goods, and was entirely ignorant of the felony.

The evidence for the prisoners being closed,

Mr. Baron Thompson summed up the evidence. After some general observations the learned judge recapitulated the evidence as applying to each prisoner, and left it to the jury to decide on the degree of credit the witnesses were entitled to.

The jury retired nearly three hours, and brought up the following verdict:—Joseph Simmons Winter, Benjamin Allen, and William Taylor, John Ivey, and Robert Cooper, Guilty; Joseph Knox and George Harris, Not Guilty. The three first, being principals, were capitally convicted; Ivey and Cooper, as accessaries, transported for fourteen years.

The prosecutor was allowed his full costs.

At the end of the sessions Winter and Allen received sentence of death. Taylor continuing in a dangerous state, was not brought into court; but at the next sessions sentence was also passed upon him.

A few days after their conviction, the turnkeys had suspicion that some underhand work was going on, in the condemned ward and several implements were found to have been conveyed to Winter and Allen, and another prisoner named Bell, calculated to enable them to make their escape; and, a few days previous to their execution, they were detected in another similar attempt.

On the 25th January, 1813, Winter, Allen, and Taylor, for the above offence, suffered the sentence of the law.

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